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ROYAL COMMISSION

ON

34

PILOTAGE

HEARINGS

HELD AT
Toronto

VOLUME No.:

134 - 136

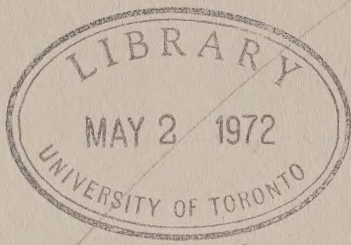
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Monday, the
15th day of June, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Leopold Langlois, Q.C.	for the Canadian Mer- chant Service Guild
Mr. Colin Mason	for the Dominion Marine Association



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Captain James E. Matheson
Direct Examination by Mr. Brisset

17146

* * * * *



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* * * * *



263 McCaul Street,
Toronto, Ontario,
June 15, 1964

---Upon commencing at 10.00 a.m.

MR. JACQUES: My lord, before we start with the Shipping Federation brief I would like to file several documents in order to complete what has already been filed.

You may recall that we filed the Great Lakes pilotage bill of hearings before the U. S. Congress and we also filed Bill S3, an Act to amend the Canada Shipping act together with proceedings.

I should now like to file in various bundles the following documents:

As Exhibit 1208, Bill C80, an Act to amend the Canada Shipping Act, together with reports of the debates on that Bill.

---EXHIBIT NO. 1208: Bill C80, an Act to amend the Canada Shipping Act, together with reports of the Debates on the Bill.

MR. JACQUES: As Exhibit 1209, Bill C98, also an Act to amend the Canada Shipping Act, with the reports of the debates. There are various references to pilotage in the Bill, my lord.

---EXHIBIT NO. 1209: Bill C98, an Act to amend the Canada Shipping Act, together with reports of debates on the Bill.

MR. JACQUES: As Exhibit 1210, Bill S10, being an Act to provide for the establishment of Harbour



1 Commissions. This may affect the exhibits already
2 filed with respect to New Westminster, Belleville,
3 Windsor, the Lakehead, Nanaimo and Oshawa. This
4 Bill enables the Governor in Council to establish a
5 harbour commissioner for any harbour in Canada that is
6 not named in the National Harbours Board Act.

7 THE CHAIRMAN: Is this this year?

8 MR. JACQUES: Yes, my lord. And other
9 local harbour commissions may opt to come under this
10 Act.

11 MR. LALONDE: Are there also the Minutes
12 of debates?

13 MR. JACQUES: The Minutes of debates are
14 attached.

15 MR. LALONDE: Is this a bill for this year?

16 MR. JACQUES: This year.

17 MR. LALONDE: I understand this has not
18 been proclaimed as yet, or approved by the Cabinet.

19 THE SECRETARY: It was sent to the Har-
20 bour Commissioners for the Harbour Commission involved.

21 THE CHAIRMAN: Yes, but is it the law now?

22 THE SECRETARY: It has been passed.

23 MR. LALONDE: Has it been proclaimed?

24 MR. JACQUES: As passed by the Senate on
25 the 7th of May, 1964.

26 MR. LALONDE: I understood it was still
27 before the House of Commons.

28 MR. LANGLOIS: It originated on the 7th.

29 THE CHAIRMAN: Will you look at that and
30 report later so we have that on the record?



1 --EXHIBIT NO. 1210: B111 S10, being an Act to
2 provide for the establishment
3 of Harbour Commissions to-
 gether with debates.

4 MR. JACQUES: As Exhibit 1211, a memoran-
5 dum of the Commission's visit to Washington and ad
6 Exhibit 1212, a memorandum of the Commission Secretary's
7 attendance at the hearing in Detroit on April 13 and
8 14, 1964. This hearing was held by the Great Lakes
9 Pilotage Administration.

10 --EXHIBIT NO. 1211: Memorandum of Commission's
11 visit to Washington.

12 --EXHIBIT NO. 1212: Memorandum of the Commission
13 Secretary's attendance in
14 Detroit on April 13 and 14.

15 MR. LALONDE: In connection with Exhibit
16 1211, my lord, I just had time to look at it. I
17 notice that there is a statement on page 3 which says
18 at the bottom that "Mr. Jacques then expressed the
19 view that it might be desirable and a lot easier for
20 everybody if no one from the Great Lakes Pilotage
21 Administration attended or showed up at the Com-
22 mission's hearings, otherwise the Commission would
23 most likely be put in the awkward position of having
24 to turn down a request from Counsel representing
25 pilots to have such person put in the witness box."

26 I don't know whether I should take this
27 as a compliment or a derogatory remark but I would
28 like to put on the record anyway it is a sheer assump-
29 tion.

30 THE CHAIRMAN: Now, I have just one remark.



1 At the last hearing here two objections were taken
2 under advisement. I am not going to make a ruling
3 right now but I would like to see counsel at recess
4 because I have a few questions to discuss. I would
5 like counsel to come at recess and we will discuss
6 them.

7 MR. BRISSET: Captain Matheson, please.

8 THE CHAIRMAN: So now we will have Mr.
9 Brisset starting the Shipping Federation brief.

10
11 CAPTAIN JAMES E. MATHESON, sworn

12
13 DIRECT EXAMINATION BY MR. BRISSET:

14 MR. BRISSET: Mr. Secretary, has the brief
15 of the Shipping Federation been filed and given an
16 exhibit number?

17 THE SECRETARY: I don't believe it has been
18 filed, Mr. Brisset.

19 MR. BRISSET: I would like to file as
20 Exhibit 1213 the brief of the Shipping Federation of
21 Canada in connection with pilotage on the Great Lakes.

22
23 ---EXHIBIT NO. 1213: Brief of the Shipping Federa-
tion, in two volumes.

24
25 Q. Captain Matheson, will you again for
26 the record state your position in connection with the
27 Shipping Federation of Canada?

28 A. My name is James Evan Matheson. I
29 am Assistant General Manager of the Shipping Federation
30 of Canada. I deal with other things and with pilotage



1 on the Great Lakes, the River St. Lawrence and Eastern
2 Canadian ports.

3 Q. I take it that you have been closely
4 connected with pilotage matters on the Great Lakes
5 since problems arose back in 1956 and 1957?

6 A. That is correct.

7 Q. And with the legislation and organiza-
8 tion regarding pilotage from then on?

9 A. Yes.

10 Q. Captain, on page 1 of your brief you
11 give statistics regarding ocean vessels that have been
12 trading into the Great Lakes in the year 1962. I
13 take it that when the brief was prepared this was the
14 last year for which statistics were available?

15 A. That is right, at that time.

16 Q. Are these statistics kept by your
17 office?

18 A. Yes, they are.

19 Q. And the statistics appearing at pages
20 1 and 2 and following of your brief are taken from
21 your records, I take it?

22 A. That is correct.

23 Q. Have you at my request prepared a
24 brief summary of the statistical information giving the
25 number of round voyages by ocean vessels into the lakes
26 from 1959 to 1963?

27 A. Yes, I have.

28 MR. BRISSET: I would ask you to file this
29 summary as Exhibit 1214.
30



1 ---EXHIBIT NO. 1214: Brief summary of the number
2 of round voyages by ocean
3 vessels into the Great Lakes
4 from 1959 to 1963.

5 MR. BRISSET: I would like to remind the
6 Commission that statistics have been already filed for
7 the years before the opening of the Seaway and if my
8 recollection serves me properly in 1958 the number of
9 voyages was at least fifty per cent of those for the
10 year 1959 so that the traffic more than doubled in the
11 first year of the Seaway as the exhibit shows that
12 there were 1,027 round voyages in 1959.

13 Q. Now, Captain, I see from Exhibit 1214
14 that in your statistics you make a division of the
15 voyages by ships that are operated by both members
16 of the Federation and non-members?

17 A. Yes.

18 Q. Is there any particular reason for this?

19 A. Well, the question came up on one or
20 two occasions before the Commission. The question
21 was raised before this Commission who were the members
22 of the Federation and who were not and what proportion
23 of the ships that went into the lakes did the Federa-
24 tion represent, and this gives a clear indication in
25 answer to that question.

26 Q. So that the statement contained in
27 paragraph 1 of page 1 of your brief to the effect that
28 the Federation represented practically all of the ships
29 trading from overseas into the Great Lakes, is sub-
30 stantially supported by the statistics which you have
31 filed?

A. Correct.



1 Q. In fact for the year 1963, the last
2 year of operation, there were 1,009 round voyages
3 of which only 53 were by non-member ships?

4 A. Yes.

5 Q. Captain, on page 2 of your brief you
6 have outlined for the year 1962 the names of the member
7 companies and the lines which they represent. Will
8 you explain how this is set up? What is the name
9 or what are the names appearing in large or capital
10 letters and what are the names appearing in smaller
11 letters?

12 A. The names in the larger letters are
13 actually members of the Federation and representing
14 the principals down below in the small print. These
15 are the lines in the small print.

16 Q. Some of your members, I see, like
17 Canada Steamship Lines Limited and Saguenay Shipping
18 Limited, actually operate their own lines?

19 A. That is correct.

20 Q. Now, Captain, on page 4 of your brief
21 you give statistics showing what were the earnings in
22 1962 of the various pilotage districts from Montreal
23 up including therefore Montreal, Cornwall, and the
24 three lake districts. Will you tell us where these
25 figures have been obtained?

26 A. Well, the figures have been obtained
27 from the Department of Transport.

28 MR. BRISSET: My lord, I have here from
29 the Department of Transport statements showing the
30



1 total earnings and workload by pilots for the complete
2 season of 1963. That is for Districts Nos. 1, 2 and
3 3, and unless this information is already before the
4 Commission I would like to file this as Exhibit 1215.

5 THE CHAIRMAN: In any event I think it
6 should be there just to substantiate the allegation on
7 page 4 of your brief.

8 MR. BRISSET: We have given the figures
9 for the year 1963 at the bottom of page 4, and these
10 are supported by the document now filed. The figures
11 for the year 1962 are already contained in the records
12 of the Commission and these figures were obtained from
13 these records. The supervisor, I think, for each
14 district, filed these exhibits.

15 MR. LALONDE: This is obviously a document,
16 my lord, upon which I cannot cross-examine the witness.
17 "The total number of hours designated, the total of
18 hours undesignated".

19 THE CHAIRMAN: No. I understand that they
20 had to base this on something so the question was asked
21 of the Department official and this is going to be one
22 of the questions you should put to them at the Ottawa
23 hearing in September.

24 MR. BRISSET: I should also explain, my
25 lord, that the Department kindly gave us -- I think to
26 all counsel - a list of the data which could be
27 obtained from the data processing centre some time
28 during the course of this hearing and the information
29 contained in the exhibit files comes from this data
30 processing centre.



1 ---EXHIBIT NO. 1215:

Statement showing total
earnings and workload by
pilots for the complete
season of 1963 for Districts
1, 2 and 3.

2
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4
5 THE CHAIRMAN: For those who were not
6 there we had at the beginning of this month the first
7 hearing in Ottawa for a review of the departmental
8 evidence for all of the districts except the Great
9 Lakes and the St. Lawrence. The way we proceeded,
10 and Mr. Langlois was there, was to send the Department
11 a list of questions that we wanted to have some infor-
12 mation on and this worked out very, very well, because
13 the Department was able to look into the matter and
14 bring us the necessary documents so we didn't waste
15 any time and it was exceptionally well done.

16 We plan to do the same thing in the
17 September hearings. We plan also to make our own
18 review of the evidence and prepare our list and send
19 a copy of that list to all the counsel and invite them
20 if they have any additional questions to put them on
21 and send them also so I think if we proceed that way
22 it will be much better and much more efficient. We
23 were really very satisfied in Ottawa. I think Mr.
24 Langlois can vouch for that.

25 MR. LANGLOIS: Yes, my lord.

26 MR. BRISSET: Q. Now, Captain, in
27 connection with the statistics contained on page 4
28 of your brief you make a statement that the figures
29 shown indicate an average of roughly between \$1800
30 and \$2000 in pilotage fees for each round voyage by a



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vessel going up the lakes say up to Chicago or Duluth?

A. That is correct.

-

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-

-



1 Q. To double check your estimate of
2 the cost of pilotage up the lakes from Montreal up,
3 have you prepared a statement showing actual cost for
4 a vessel of say 7,000 net registered tons on a draught
5 maximum in the Seaway of 25 feet, 6 inches?

6 A. Yes, I have.

7 Q. Going to Chicago?

8 A. Chicago.

9 Q. I would ask you to file this statement,
10 which is in two parts, one covering a vessel fully
11 loaded both ways and going to Chicago and one fully
12 loaded one way and return in ballast?

13 A. Correct.

14 Q. That is Exhibit 1216.

15 ---EXHIBIT NO. 1216: Statement in two parts, one
16 covering a vessel fully loaded
17 both ways and going to Chicago
18 and one fully loaded one way
and returning in ballast.

19 Q. Captain, in preparing this statement
20 I notice that you have started from Les Escoumains the
21 east end of the pilotage area for a ship going up the
22 St. Lawrence River. Will you simply, for the record,
23 give us the total in pilotage fees that a ship going
24 to Chicago would have to pay for the round voyage?

25 A. Fully loaded one way or both ways?

26 Q. Both of them?

27 A. Fully loaded one way, total pilotage
28 \$2,887.10, and fully loaded both ways would be
29 \$3,004.92.

30 Q. That is when you say "fully loaded" on



1 the maximum seaway draught of 25 feet 6 inches?

2 A. Right.

3 Q. Consequently, am I right in saying
4 this does not take into account the possibility that
5 the ship might either stop off in Montreal or dis-
6 charge part cargo in Montreal?

7 A. No, going right through.

8 Q. In such a case am I right in saying
9 the fees might be higher for the voyage up to or down
10 from Montreal?

11 A. Of course, and if there were long de-
12 tentions en route, which often occur en route to
13 Chicago, that would increase the total amount also.

14 Q. Now, in case of the trip up the
15 lakes starting from Montreal, how does the figure of
16 the cost of pilotage in the Great Lakes, from this
17 exhibit, compare with your rough estimate as between
18 \$1800 and \$2000 for each voyage?

19 A. I think it compares favourably with the
20 estimate we made in the first place.

21 Q. I have made a calculation myself and
22 it comes to somewhere around \$1900 to \$1975; is that
23 correct?

24 A. That is correct.

25 Q. I take it that up the lakes, of course,
26 the fees are flat fees?

27 A. Yes, flat rates and inclusive rates.
28 Flat rates irrespective of the size of the ship.

29 Q. Size of the ship does not really matter?

30 A. No.



1 Q. Now, Captain, you make the statement
2 that as far as pilotage fees are concerned for an
3 ocean vessel going up the lakes the Seaway tolls, at
4 least in so far as the ship's proportion is concerned,
5 would be much lower; is that correct?

6 A. That is correct.

7 Q. I think, my lord, the Seaway tolls
8 cost has already been filed with this Commission?

9 THE CHAIRMAN: Yes.

10 MR. BRISSET: And this information
11 is available in the record?

12 THE CHAIRMAN: That is correct.

13 MR. BRISSET: Q. Now, Captain,
14 I would like to go over with you the history of the
15 organization of pilotage into the Great Lakes par-
16 ticularly with the opening of the Seaway. You
17 could give us a short review of the work which you
18 are called upon to do in connection with this organiza-
19 tion.

20 On page 6 of your brief you refer
21 to the position of many outside interests, through
22 the development of ocean traffic within the Great
23 Lakes basin and through to the Seaway itself. Now,
24 has that become apparent to you during the years you
25 were working on the organization of pilotage?

26 A. Very much so.

27 Q. My lord, at page 6 of the brief we
28 refer to a proposed treaty between Canada and the
29 United States which had been proposed by Vice-Admiral
30 Lyndon Spencer of the Lake Carriers Association and I



1 have quoted on pages 6 and 7 the crux of this proposed
2 treaty. I have before me a circular letter issued by
3 Vice-Admirable Spencer to all members of the Lake
4 Carriers Association on December 15th, 1953, which I
5 would like to file at this stage as Exhibit 1217.

6
7 ---EXHIBIT NO. 1217:

Circular letter issued by
Vice-Admiral Spencer to all
members of the Lake Carriers
Association, dated December
15th, 1953.

9
10 MR. BRISSET: I have to explain to this Commission
11 that this document came into my hands shortly after
12 its issuance, but I am not at liberty at this time to
13 disclose the origin of this document. All I will
14 want to say is that it contains first of all the cir-
15 cular letter issued by Vice-Admiral Spencer; a statement
16 outlining the reasons for the proposed treaty and then
17 the treaty itself, as well as a press release to the
18 effect it had the support of President Eisenhower.
19 The main reason advanced for the proposed treaty was
20 security of the two nations. But if I may make a
21 statement, it seems to me the main and true reason
22 for it at the time was the fear of competition of the
23 ocean shipping into international trade into the
24 lakes.

25 MR. LANGLOIS: Do I understand my
26 learned friend to say he had some doubts as to the
27 origin of the letter?

28 MR. BRISSET: No, no doubt as to the
29 origin, but not at liberty to disclose where I obtained
30 the document.



1 THE CHAIRMAN: He has a copy of it.

2 MR. BRISSET: I might explain I was
3 asked by a client whether there was any chance the
4 Canadian Government would ever go along with such a
5 treaty and I expressed the opinion I did not think
6 so as I thought it would breach Canada's international
7 obligations.

8 It is shortly after this proposed
9 treaty was publicized that the Canadian Government
10 appointed a Commission to investigate whether the
11 Canadian coastal trades should be limited or not, but
12 that was limited -- the scope of the inquiry was
13 limited to the coasting trade of Canada and not the
14 international trade of Canada. The Commissioner, I
15 think, has a copy of the report of the Commission
16 which recommended there be at that time no hindrance
17 at all or no limit on the right of British ships to
18 coast.

19 THE CHAIRMAN: Yes, we have the report.

20 MR. BRISSET:

21 Q. Now, Captain, I would like to go into
22 the development of the sailing master system which
23 was established as ocean traffic began to find its
24 way into the Great Lakes basin. And I would like you
25 to explain to us how the system was put into effect
26 and what it consisted of at the beginning.

27 A. Well, the sailing masters in the first
28 instance were composed of retired ship masters and
29 semi-retired ship masters who had considerable exper-
30 ience all through the lakes.



1 THE CHAIRMAN: When you say "retired",
2 retired on account of age?

3 THE WITNESS: Retired on account of age.

4 THE CHAIRMAN: So that means they were
5 over sixty-five or seventy, all of them?

6 THE WITNESS: Say between sixty and
7 seventy, my lord. Some of them were younger because
8 some were semi-retired and took masters' jobs occasional-
9 ly available on the lakes. These were the type of
10 men employed in the first instance as sailing masters,
11 and this subject was touched on in Montreal, and it
12 was explained that these sailing masters occasionally
13 went aboard a ship at Montreal and went right through
14 the lakes, but eventually in the interests of opening
15 the Montreal-Kingston District the Federation and
16 the Corporation of Pilots arranged the sailing masters'
17 duties would commence at Kingston and return to King-
18 ston.

19 MR. BRISSET:

20 Q. What was the main purpose of having
21 sailing masters on board ocean vessels at that time
22 in the first years of operation?

23 A. The main purpose was to facilitate
24 the voyage of the ships through the canal, and also it
25 is quite a difficult trade for a master; a lot of
26 ports and invariably the ship is loading or dis-
27 charging during the day when in port and sails at
28 night, and that is very, very severe on the masters
29 and these sailing masters relieve the master of some
30 of these duties. But it was, you could say, it was



1 rather a comfortable position for these sailing masters.
2 I think an estimate we made at one time they worked
3 three or four days out of the round voyage and a
4 round voyage for instance to Chicago would take about
5 eighteen to twenty-one days.

6 Q. In those days the ships were going
7 through Kingston, Morrisburg, and so on, and quite a
8 number of locks, a tremendous number compared to the
9 number today?

10 A. Yes, and I would also say the greatest
11 majority of the ships, the masters, that they were
12 familiar with the lakes at that time and had had
13 quite considerable experience in the lakes. It was
14 confined to a few liner companies, the trade, after
15 the Second World War.

16 Q. As the traffic increased, was there
17 a change in the pattern of selection of sailing masters?

18 A. Yes, there was. Of course, there
19 weren't sufficient men of the class that we usually
20 employed in that service. They were not just
21 available; there was not sufficient of them for the
22 increase in the lakes, singularly we had to take
23 younger men on and with that development it was
24 necessary that these men make a career of a sailing
25 master's work and, of course, they had to be com-
26 pensated accordingly.

27 Q. These younger men, where did they
28 get a training to serve on ocean ships as sailing
29 masters?

30 A. Quite a number got their training with



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Matheson, dir
(Brisset)

17160

1 an ocean master who had been trading into the lakes
2 for years because these young men were not competent
3 in every respect and wouldn't qualify. They didn't
4 have the wide experience that retired or semi-retired
5 masters had who had been years as masters in the lakes.
6 They knew some parts of the lakes and others they
7 didn't know, and the master assisted and trained this
8 sailing master in that area.

9 Q. When you say the "masters" you mean
10 masters of the ocean ships?

11 A. Masters of the ocean ships, of course.

12 Q. Now, what was, prior to 1957 -- what
13 type of remuneration were the sailing masters getting
14 for their services?

15 A. Prior to 1956 I think it was \$25.00
16 a day and \$2.50 expenses; \$27.50 altogether.

17 Q. Was there at that time, when the semi-
18 retired or retired masters were employed, was there
19 on their part any complaint about their pay or the
20 remuneration they were getting?

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A No, it was not considered a career.

They did not consider it a career. It was just a part-time job to make additional money and it was a very attractive job to these men on that basis. These men were most attractive to the shipmasters also on account of their wide and complete experience of the Lakes; so the system was very satisfactory all 'round.

Q Were they engaged on a contract basis or on tour-de-role prior to 1956 or 1957?

A In 1956 they were both tour-de-role and contract. I think the percentage was 40 percent on tour-de-role and the remainder on contract. The majority of them were on contract to regular traders going into the Lakes -- regular trading companies going into the Lakes. But as the trade increased and as new owners sent their ships into the Lakes then, of course, the percentage of tour-de-role increased.

Q Now, who had control of the dispatching of tour-de-role men?

A That was a function that the Federation controlled.

Q From where?

A From Kingston.

Q And using what office?

A Well, in the first instance in 1956 we had an arrangement -- and I think this was explained at the hearings in Montreal -- we had an arrangement with a Captain Downey to look after the dispatching. The reason for making this arrangement with Captain Downey,



1 you will recall, was that sometimes these sailing
2 masters would go down into the St. Lawrence/Kingston
3 district, and that was interfering with the security of
4 the pilots down there.

5 From Montreal the Federation could
6 control it and as far as their members were concerned
7 no sailing master would take a ship from Montreal up to
8 Kingston. But where we found difficulty was with ships
9 coming down Lake Ontario. The sailing master would, of
10 course, tell the master: "Well, it is all right,
11 Captain; you carry on to Montreal." This was not in
12 the interests of security for the pilots in the Kingston
13 district. Consequently Captain Downey, who was
14 President at that time of the Montreal/Kingston district
15 pilots, agreed to watch this situation and he took over
16 the dispatching for the Federation at Kingston.

17 Of course, subsequent to that we
18 controlled the dispatching through an arrangement with
19 the Department of Transport to use the Department of
20 Transport's facilities in the pilot office at Kingston.
21 I may say here that in 1955 and 1956 and 1957 we were
22 urging the Department of Transport to assume this re-
23 sponsibility because we felt it was very important that
24 the dispatching be maintained in responsible hands.

25 The Department would not have any-
26 thing to do with pilotage during that time in the Great
27 Lakes. We got the answer which the Commission got on
28 several occasions in Ottawa, that the Great Lakes did
29 not come under Part 6 of the Canada Shipping Act and
30



1 therefore it was not our responsibility. Nobody in
2 these days was responsible for pilotage in the Great
3 Lakes or for safety in the Great Lakes, just the
4 Federation and, of course, the pilots themselves.

5 Q When did the sailing masters first
6 get organized on the basis of an association or
7 corporation?

8 A In 1956, I believe -- yes.

9 Q You refer on page 8 of your brief
10 to the fact that on April 27th the sailing masters at
11 the instigation of Captain Rolla R. Johnson, Vice-
12 President of the International Organization of Masters,
13 Mates & Pilots of the United States incorporated this
14 into a corporation under Part 2 of the Companies Act in
15 the name of the Great Lakes Pilots' Association of
16 Canada. Was that the first organization of this kind
17 amongst the sailing masters?

18 A Yes.

19 Q You also referred at the top of
20 page 9 of your brief to a request that was received
21 at the time from the U.S. organization for the accept-
22 ance of American trainee sailing masters in the pool.
23 Would you develop this? What did happen then?

24 A Well, the sailing master system in
25 the Great Lakes had been purely Canadian up to this
26 time. It was known to the Federation and myself in
27 particular that the Masters, Mates & Pilots, through
28 their representative in the Lakes Captain Rolla Johnson,
29 were very anxious to get into the Lakes.
30



1 I personally opposed this with every-
2 thing available to me to oppose it -- for reasons I will
3 explain later. However, Johnson, as was explained at
4 the hearings in Montreal, did carry some favour with
5 some of the Montreal/Kingston pilots and with the Lake
6 pilots and eventually the Great Lakes Pilots' Association
7 affiliated with the Masters, Mates & Pilots of the U.S.

8 We were reluctant to let Johnson
9 have any control in the Lakes for the reason that we
10 felt it was very important that we had responsible con-
11 trol of pilots.

12 Q In what way would the incursion of
13 the U.S. organization into the sailing master system
14 have affected your control of the system?

15 A Well, some of the documents that
16 have already been filed indicate there were some
17 factions in the Great Lakes that were all opposed to
18 ocean shipping coming into the Great Lakes and our ex-
19 perience with Captain Johnson was that he was out to
20 keep the ocean ships from coming into the Lakes by
21 creating as much difficulty as he possibly could.

22 This was very easy for the Masters,
23 Mates & Pilots on account of their labour laws in the
24 States, in that it was very easy for them to call
25 strikes or hold up the loading of ships. We found this
26 is what was happening frequently in 1956 and we found
27 it was very difficult, if not impossible, to get in-
28 junctions in these cases. Anyone in the States, it
29 could be said, could put an arm band on and stand on
30



2
1 the dock somewhere or at the entrance to the dock gate
2 and everything stopped work -- everything stopped.

3
4 Now, Johnson abused this and it
5 came to the time when the longshoremen would no longer
6 support them. But that is more or less the reason,
7 the fundamental reason why we insisted on responsible
8 control of pilotage in the Lakes.

9
10 Q In other words, you wanted to con-
11 trol the dispatching; you did not want dispatching to
12 be made from the U.S. through Johnson's organization
13 without any direct control by yourself?

14 A Exactly.

15 Q Is that putting it correctly?

16 A That is putting it correctly. We
17 had to control this ourselves in the light of the fact
18 that neither Government would take control of pilotage
19 in the Lakes and no other responsible body would.

20 Q And you wanted to keep that control
21 in Kingston insofar as dispatching was concerned?

22 A That is correct.

23 Q Not at some American port?

24 A Not at some American port. That is
25 what would have happened if the Masters, Mates & Pilots
26 got control of the dispatching. There would be dis-
27 patching offices set up all throughout the Lakes and
28 that would be to the detriment of shipping generally
29 and particularly to the Canadian pilots.

30 Q You have explained to us that the
Great Lakes Pilots Corporation was organized in 1956.



1 We now come to the year 1957, to the opening of the
2 season of navigation when you were faced by new demands.
3 Would you explain what these were and how the matter
4 was dealt with?

5 A Yes. In addition to dealing with
6 Captain Rolla Johnson and the Great Lakes Pilots'
7 Association which had affiliated with his organization,
8 the Great Lakes Pilots Association also engaged counsel
9 to assist in their negotiations. I think there is on
10 record proposals submitted by Mr. Gerin-Lajoie.

11 Q Now, Captain, at page 9 of your brief
12 you refer to a proposal by Captain Johnson.

13 THE CHAIRMAN: Excuse me, sir.

14 COMMISSIONER SMITH: Captain, earlier
15 in your evidence you made the statement -- and correct
16 me if I am misquoting you -- speaking about pilotage
17 on the Great Lakes, that neither government would take
18 control of it?

19 THE WITNESS: Yes.

20 COMMISSIONER SMITH: I think there
21 was some previous evidence in that connection but it
22 was very sketchy and I think it might be helpful to the
23 Commission to get some details of what the proposals
24 were and why they were turned down. This, I think, was
25 stated before the Commission that certain proposals
26 that the Canadian Government or Department or authorities
27 had made to the United States with regard to controlling
28 the situation, the pilotage situation, were frowned
29 upon by the United States authorities. Could you develop
30



1 the point a little so that we would have a complete
2 picture of the matter?

3 THE WITNESS: Well, before there was
4 any serious negotiation between both governments as
5 regards the taking over of pilotage in the Great Lakes
6 we urged upon the Department to assume control of, in
7 the first instance, dispatching. I think it can be
8 said whoever controls the dispatching controls the
9 pilotage. But we got no response from the Canadian
10 Government as regards taking over the dispatching of
11 pilots at Kingston. That was in 1955 and 1956.

12 I think that we can submit some
13 correspondence to the Commission -- memoranda in con-
14 nection with this situation, Mr. Smith.

15 MR. BRISSET: Mr. Commissioner, I
16 am coming in a few moments in the sequence of events to
17 correspondence with the Department upon this very
18 problem and I will quote it as I come to it.

19 COMMISSIONER SMITH: Thank you.

20 MR. BRISSET: Q Captain, we were
21 on the negotiations which took place in early 1957
22 with respect to the emolument of the sailing masters
23 and on page 9 of your brief you refer to demands made
24 by Captain Johnson and demands made by counsel for the
25 Great Lakes Pilots' Association. I draw to your attent-
26 ion the large discrepancy between the demands made by
27 Johnson and the counsel of the Association. Is there
28 any explanation for this? In other words, were you
29 dealing with the two together or were they dealing with
30



1 you separately?

2 A No; we were dealing with -- it is
3 hard to say whether we were dealing with them separately
4 or together, but they were both in the picture in our
5 negotiations.

6 As a matter of fact there was some
7 competition between the counsel for the Great Lakes
8 Pilots' Association and the Masters, Mates & Pilots in
9 this regard, and the Masters, Mates & Pilots were
10 utterly irresponsible and we did not want to have any-
11 thing to do with that organization. We were relieved
12 that the pilots got counsel and that we could discuss
13 our differences or our problems that were there
14 intelligently and fairly.

15 That is about all I can say about
16 this discrepancy between the two demands. We eventual-
17 ly agreed at that time with counsel for the pilots on
18 a figure that we felt under the circumstances was
19 reasonable because at that time we had come into a
20 different situation where we were employing younger
21 men who were making a career of this pilotage, and of
22 course we had to increase the rates -- not to the ex-
23 tent that Captain Rolla Johnson wanted, but certainly
24 close to the proposals submitted to us by counsel for
25 the Great Lakes Pilots' Association.

26 Q In other words, Captain, you were
27 entering into a new era just before the opening of the
28 Seaway with traffic increasing considerably every year?

29 A Correct.
30



1 Q And therefore you needed more sail-
2 ing masters?

3 A Yes.

4 MR. BRISSET: My Lord, I would like
5 to file as Exhibit 1218 an exchange of memoranda and
6 correspondence between Mr. Paul Gerin-Lajoie, Q.C. and
7 the Shipping Federation of Canada, consisting of a
8 letter dated January 24th, 1957 from Mr. Gerin-Lajoie
9 addressed to you personally, to which is attached a
10 memorandum outlining the demands of the sailing masters;
11 a further letter dated April 2nd from Mr. Gerin-Lajoie
12 to Captain Matheson; a letter dated April 5th from
13 Captain Matheson to Mr. Paul Gerin-Lajoie setting out
14 the terms proposed by the Federation for the next con-
15 tract year and including an offer to abolish the con-
16 tract system which was then in existence, to place all
17 sailing masters on tour-de-role; finally a letter from
18 Mr. Gerin-Lajoie addressed to Captain Matheson dated
19 April 9th, 1957 accepting the proposal of the Shipping
20 Federation, which consisted of the abolition of the
21 contract system, all sailing masters to be on tour-de-
22 role and the daily emolument to be \$40 per day plus
23 \$2.50 for expenses.

24 THE WITNESS: Yes.

25 MR. BRISSET: All in a bunch.

26
27 ---EXHIBIT NO. 1218: Exchange of Memoranda
28 and correspondence between
29 Mr. Paul Gerin-Lajoie, Q.C.
30 and Captain Matheson as
regards the abolition of
the contract system, the
tour-de-role and the



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daily emolument of
pilots.

MR. BRISSET: Q Now, what was the reason,
Captain, for your offer to the sailing masters of
abolishing the contract system at that time?

A Well, we considered it was unsatis-
factory and that we would have a more efficient dis-
patching operation if all the pilots were on tour-de-
role and were assigned to ships on a tour-de-role
rather than the company, the sailing masters they had
contracts with, engaging these sailing masters -- in-
dividual companies engaging the sailing masters. It
upset the efficiency of our dispatching service.

Many of our members, I may say,
would have preferred to keep the contract system, which
was more or less similar to the special pilot arrange-
ment, but for the over-all efficiency of the operation
we felt strongly it was necessary to have all the pilots
on the tour-de-role.



1 Q. Now, when you decided to establish
2 the tour de role system, as was accepted by the sailing
3 masters, did you again take up with the Department of
4 Transport the possibility that the Department should
5 take over or would take over the organization par-
6 ticularly the dispatching of tour de role pilots to
7 their ships from Kingston?

8 A. Yes, we did. We urged the Department
9 of Transport to take over this important function.

10 Q. What was the reply of the Department
11 at the time?

12 A. Part VI of the Canada Shipping Act
13 did not -- it was not their responsibility. However,
14 the Department did cooperate as I said previously in
15 my testimony, that they cooperated to the extent they
16 permitted the Federation to use the facilities for
17 dispatching the Montreal-Kingston pilots, to use these
18 facilities and the services of Mr. Phipps Walker,
19 the Chief Dispatcher, and we had arrangements with that
20 office, private arrangements with that office for
21 dispatching sailing masters.

22 MR. BRISSET: My lord, I would like to file
23 as Exhibit 1219 a copy of a letter dated June 3rd,
24 1957, from Captain Slocombe addressed to the Super-
25 intendent of Pilots in Montreal, with a copy to Captain
26 Matheson recording the arrangements that were made at
27 the time.

28 I would like to quote this part for
29 the information of the Commission.

30 "It was decided as a matter of departmental



1 policy, owing to the desirability of our having
2 an official record of the experience of sailing
3 masters employed on ocean vessels plying the
4 Great Lakes to have the sailing masters assigned
5 or dispatched to their ships by the Kingston
6 Office. The sailing masters had from time
7 to time requested that this be done and this
8 request was more recently supported by the
9 Shipping Federation. While the sailing masters
10 are not licensed pilots, their being in the
11 pilotage district of the Great Lakes estab-
12 lished under the Canada Shipping Act, they do
13 fall within the definition of a pilot given
14 in that Act. Accordingly, we decided as
15 stated above, to have them dispatched from
16 our Kingston Office on the understanding that
17 the Shipping Federation would be responsible
18 for the compilation of the list of sailing
19 masters and for the order in which they were
20 to be dispatched. That is, the Department
21 would take no responsibility for the com-
22 petency of the sailing masters or for dis-
23 ciplinary measures when needed.

24 "You and Mr.Phipps Walker were in-
25 structed verbally in accordance with the above
26 decision and it was agreed that Captain Matheson
27 of the Shipping Federation may discuss the matter
28 with Mr.Phipps Walker to work out the details."

29 And then the letter goes on to state
30 how the Shipping Federation would proceed to have the



1 control of the dispatching and records would be avail-
2 able at the Kingston Office so that Mr. Phipps Walker
3 would report directly to the Shipping Federation.

4
5 ---EXHIBIT NO. 1219: Copy of letter dated June 3,
6 1957, from Captain Slocombe
7 addressed to the Superinten-
8 dent of Pilots in Montreal.

9
10 COMMISSIONER SMITH: There is just one
11 point in that connection. What year was that?

12
13 MR. BRISSET: 1957. June 3rd, 1957.

14
15 COMMISSIONER SMITH: Well, the witness'
16 statement, as I took it down here -- I want to be
17 correct -- if I am not wrong, was this: that neither
18 government would take control of pilotage in the
19 Great Lakes. Now, what was the period -- the
20 St. Lawrence Seaway Authority was opened in 1959.
21 Now, was there a proposal put to the United States
22 Government to take control prior to 1959?

23
24 THE WITNESS: Mr. Smith, we had no deal-
25 ings with the Federation but our dealings were with the
26 Department of Transport and we urged on one or two
27 occasions prior to 1957 that the Department of Transport
28 take over control of pilotage and also discuss it with
29 the Americans.

30
COMMISSIONER SMITH: Your information
was that, according to your evidence, neither govern-
ment or the Canadian Government would not have any-
thing to do with it?

THE WITNESS: The Canadian Government would
not have. You see, up to that time the American



1 Government assumed no responsibility whatever for
2 pilotage in the Great Lakes.

3 COMMISSIONER SMITH: Yes.

4 MR. BRISSET:

5 Q. In other words, there was no organiza-
6 tion at all on the Great Lakes, no government super-
7 vision to provide pilotage services anywhere?

8 A. None whatever. Neither the American
9 areas in the Great Lakes nor the Canadian areas in the
10 Great Lakes.

11 THE CHAIRMAN: Not even in the Welland
12 Canal.

13 THE WITNESS: No, sir.

14 THE CHAIRMAN: Nor in the connecting
15 rivers, the Detroit River and the St. Clair River?

16 THE WITNESS: No, my lord, only what the
17 companies themselves arranged through their sailing
18 masters' system.

19 THE CHAIRMAN: Was there any legal objec-
20 tion to creating a district there by the federal govern-
21 ment?

22 THE WITNESS: None whatever, sir, other
23 than the provisions in the Canada Shipping Act and it
24 would seem that that could easily be overcome for
25 areas, particularly the Welland Canal, for instance.

26 THE CHAIRMAN: That is right.

27 THE WITNESS: Coming under Part VI of
28 the Canada Shipping Act.

29 THE CHAIRMAN: That is right. In the
30 Detroit River, on account of the boundary there, there



1 might be some difficulties. Your request to the
2 Department at the time was that it should be organized
3 and that was turned down.

4 THE WITNESS: Yes, sir; it was not complied
5 with. Probably that would be -- our request was not
6 complied with.

7 THE CHAIRMAN: You certainly had the
8 volume of traffic.

9 THE WITNESS: It was evident to us that
10 the volume of traffic was going to increase and more
11 significantly that the type of ship was going to change.
12 It was not quite so serious when we had the lake
13 traders that were going up there all the time but when
14 we were getting a new class of ship that were not
15 experienced, the personnel had no experience on the
16 Great Lakes, it was evident that was going to be on
17 the increase as the years went on and of course a big
18 increase when the Seaway would come about.

19 MR. BRISSET:

20 Q. In other words, at that time in 1957
21 everybody knew that the Seaway was going to be opened
22 up in a comparatively short time?

23 A. Yes.

24 Q. A year or two?

25 A. Yes.

26 THE CHAIRMAN: It was not actually a
27 situation at that time?

28 MR. BRISSET: Not yet.

29 THE WITNESS: No.

30 THE CHAIRMAN: It was something in the



1 future. It was reasonable to think it would happen
2 but it was not actually the situation. That may be
3 the reason why.

4 THE WITNESS: No, my lord. Shipping into
5 the Great Lakes was increasing year after year up to
6 the time that the Seaway was opened for several years
7 previous to this. Ocean shipping was increasing in
8 the Great Lakes through 1954, 1955 -- probably -- I am
9 just assuming now or guessing, there would be an in-
10 crease in tonnage of about 25 per cent each year.

11 MR. BRISSET: My lord, the statistics
12 prove that the traffic was nearly doubling every year
13 from 1955 on.

14 THE CHAIRMAN: My way of thinking that
15 we had evidence in other parts of Canada that the
16 pilotage services were organized as a private service
17 to shipping whenever there was a real need for it and
18 that it could not be provided otherwise effectively.

19 THE WITNESS: I don't think that applies in
20 this case, sir, certainly not from 1957 on, my lord.

21 MR. BRISSET: And more so in 1957 and 1958
22 when you ---

23 A. Of course.

24 Q. --- worked on the sailing masters --
25 the development of the sailing masters' system?

26 A. Yes.

27 Q. 1957, rather?

28 A. Correct.

29 Q. Now, during the year 1957 was there
30 any change in the arrangements made at the beginning of



1 the year with regard to the dispatching of sailing
2 masters from Kingston? In other words, did the
3 arrangement apply all through the year?

4 A. Yes.

5 Q. And that was purely on a private basis?

6 A. Purely on a private basis.

7 Q. With your Federation having control?

8 A. Yes.

9 Q. What kind of control were you using?
10 What kind of reports were you getting from the Kingston
11 office? How did you keep your control?

12 A. Well, we kept control by assuring that
13 the pilots went out on their turn on tour de role, and
14 any difficulties, for instance, that the Chief
15 Dispatcher Phipps Walker may have with the pilots was
16 immediately reported to myself. In other words, this
17 involved a certain amount of discipline of the pilots,
18 this dispatching control, and all incidents were re-
19 ported to myself and proper records were kept in that
20 office with regard to the sailing masters.

21 Q. What about the payment of the dues
22 earned by the pilots or the emoluments earned by the
23 pilots? Was that done through the Kingston office
24 or through the Montreal office or directly by each of
25 the companies involved?

26 A. You have taken me off guard there.
27 When the tour de role was put into effect I believe --
28 I am not quite sure of this -- I would have to look up
29 my records -- the accounts were submitted by the
30 Dispatching Office to the individual companies.



1 Q. In other words, accounts were prepared
2 at the Dispatching Office?

3 A. Yes.

4 Q. You have mentioned discipline. What
5 kind of control did you keep over discipline from
6 Montreal? How did that work?

7 A. Well, any unusual circumstances in
8 referring a pilot to a ship would be referred to the
9 Federation.

10 Q. You would deal with it from Montreal?

11 A. I would deal with it from Montreal.

12 THE CHAIRMAN: Mr. Brisset, are you going
13 to deal with the status of the pilots or ship masters
14 at that time, the legal status? If not, I am going
15 to ask some questions.

16 MR. BRISSET: No. I think it would be
17 quite proper if your lordship asked the questions.

18 THE CHAIRMAN: At this time I see on page
19 9 in the last paragraph that the contract system was
20 abolished and they were put on tour de role, all
21 sailing masters. What was the situation between
22 the Federation and the men? Were they your employees
23 on a per diem basis? In other words, was there a
24 right for anyone to be a sailing master just to come
25 and say to you "I am a sailing master"?

26 THE WITNESS: No, the Shipping Federation
27 controlled that situation. We have a list of
28 accredited sailing masters.

29 THE CHAIRMAN: So all those who were
30 accredited sailing masters before were put on your



1 tour de role list?

2 THE WITNESS: On the list and as shipping
3 increased we increased the names on the list.

4 THE CHAIRMAN: Applications were made to
5 you or you advertised or you asked for people to join?

6 THE WITNESS: Yes. I may say that as
7 far as the contract men were concerned, all these were
8 put on the tour de role list without question.

9 THE CHAIRMAN: A right almost?

10 THE WITNESS: Yes. There was one or two,
11 for instance, where pilots had been contract pilots
12 and did not have the necessary qualifications from our
13 standpoint but the fact that they had been contract
14 sailing masters for sake time for a particular company,
15 they were automatically put on the tour de role list.

16 THE CHAIRMAN: Did you have the right to
17 strike them off the tour de role list; that is, not
18 employ them any longer as sailing masters?

19 THE WITNESS: Well, for misbehaviour or
20 refusing turns without justification we certainly
21 assumed that right, whether we were correct in doing
22 so or not.

23 THE CHAIRMAN: So, in other words, you
24 acted as employer?

25 THE WITNESS: We acted as employer.

26 THE CHAIRMAN: And the pilots or sailing
27 masters as employees?

28 THE WITNESS: Absolutely. There was an
29 arrangement -- to further explain the situation, we
30 had in the arrangement -- I recall now -- we sent



1 cheques to the Kingston Office and they were distri-
2 buted rather than by the Federation by the Kingston
3 Office, and the reason for that, my lord, was so that
4 as far as the National Employment Insurance Act was
5 concerned these men would be considered employees of
6 the Kingston Office.

7 MR. JACQUES: What do you mean the "Kingston
8 Office"?

9 THE WITNESS: The Dispatching Office.
10 That would permit the pilots to come under the National
11 Employment Insurance Act and get unemployment insurance.

12 THE CHAIRMAN: Of course, this may be only
13 a matter of convenience.

14 THE WITNESS: That is so. That was a
15 special arrangement, my lord.

16 THE CHAIRMAN: What about the dues or
17 tariff? How was it fixed for the ships that used
18 pilots?

19 THE WITNESS: We fixed the tariff.

20 THE CHAIRMAN: You say "we", the Federa-
21 tion?

22 THE WITNESS: The Shipping Federation
23 in conjunction with or as a result of discussions with
24 the Great Lakes Pilots Association and these were
25 fixed for -- that has already been filed, my lord,
26 where counsel for the pilots made representation to
27 the Federation.

28 THE CHAIRMAN: But the Shipping Federation
29 had the final say as to what would be the amount paid
30 by any ship using the services?



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TORONTO, ONTARIO

Matheson, dir
(Brisset)

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1 THE WITNESS: Exactly. There was a
2 uniform rate.

3 THE CHAIRMAN: Did you account to the
4 pilots for the moneys collected? I suppose you
5 collected the money.

6 THE WITNESS: Well, the pilots were on a
7 daily rate and if they were employed for eighteen days
8 they got eighteen days' pay, my lord.

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1 THE CHAIRMAN: So therefore you
2 never accounted for the money received?

3 THE WITNESS: All the money was
4 distributed. All the money taken in for tariff, in
5 tariff fees, was distributed to the pilots.

6 MR. BRISSET: In other words, you
7 were not getting more from the ships using pilots than
8 the pilots were getting themselves?

9 THE WITNESS: Just administration
10 procedure. If a pilot worked for 18 days, he got 18
11 days' pay and we collected that from the companies and
12 paid the pilots.

13 THE CHAIRMAN: This just merely
14 happened because your budget was well prepared. You
15 foresaw exactly what it was going to cost you from
16 what the pilot said, but it could have happened you
17 would have incurred a deficit.

18 THE WITNESS: Actually, we didn't
19 in the case of the Sailing Masters.

20 THE CHAIRMAN: Because they were paid
21 daily rate; for instance, if some accounts not being
22 paid by the ships or unexpected expenses?

23 THE WITNESS: We didn't have that
24 experience, My Lord, and as regards expenses, we had
25 a special levy on the ships to cover administration
26 expenses. We put a levy of, I think, \$5.00 per
27 assignment of pilots each time a pilot was assigned
28 to a ship and that looked after the administration
29 expenses.

30 THE CHAIRMAN: In the event you never



1 accounted for all the monies received a statement
2 wasn't sent to the pilots?

3 THE WITNESS: That is correct.

4 THE CHAIRMAN: Were you ever requested
5 to give such a report?

6 THE WITNESS: No, not that I recall,
7 My Lord.

8 THE CHAIRMAN: Thank you.

9 MR. LANGLOIS: In order to set the
10 record clear, may I say mention was made by the
11 Witness to a dispatching office and left most of us
12 under the impression it was the dispatching office
13 of the Shipping Federation. Unless, I am wrong, it
14 was the dispatching office of the Department of
15 Transport.

16 THE WITNESS: No, sir, it was the
17 dispatching office of the Shipping Federation.

18 THE CHAIRMAN: At Kingston?

19 THE WITNESS: At Kingston. Through
20 special arrangements with the Department of Transport.
21 In other words, we used the Department of Transport's
22 facilities and accommodation up there and got that
23 gratis; we did not have to pay for that.

24 MR. BRISSET: But you paid for services
25 of Mr. Phipps-Walker who was doing the work?

26 A. This is getting into a difficult
27 situation. We gave the dispatchers a gratuity unknown
28 to the Department of Transport.

29 Q. And the \$5.00 you were collecting per
30 ship, per assignment, covered your administration



1 expenses -- telephone, correspondence and other
2 incidentals?

3 A. Incidentals, yes.

4 MR. LANGLOIS: In effect they were
5 employees of the Department of Transport working on
6 straight line basis?

7 THE WITNESS: I think, Mr. Langlois,
8 that the letter written by the Department with
9 instructions of Mr. Morrison, when you read it you
10 will understand the arrangement.

11 MR. BRISSET: These arrangements are
12 explained quite clearly in that letter.

13 MR. LALONDE: May I submit to you
14 my impression the Shipping Federation in 1957 did not
15 receive the bills and did not send the bills, but
16 bills were sent directly by pilots to the companies
17 and the companies paid the pilots directly. And, I
18 submit your letter of June 3, 1957, there is reference
19 to an arrangement which you made with Mr. Phipps-Walker
20 and Captain Slocombe's reference is saying it went
21 a little further than had been intended and that the
22 intent of the letter is really to the effect this
23 arrangement was not in conformity with the operation
24 of the Department and the pilots should send their bills
25 directly to the companies and be paid by the companies.

26 THE WITNESS: I will have to look up,
27 My Lord, just what exactly happened.

28 MR. LALONDE: Page 2 of the letter
29 of Captain Slocombe of June 3, 1957, it says Mr.
30 Phipps-Walker and his staff will cooperate with this



1 person, and referring to a person of the Shipping
2 Federation who would call two or three times a week
3 there, in making available to him the records of the
4 Sailing Masters; it being clearly understood that
5 the duties of the dispatching office will be the
6 actual assignment of Sailing Masters to ships according
7 to the tour-de-role list which will be supplied and
8 amended from time to time by the Shipping Federation.

9 THE CHAIRMAN: That would mean they
10 were not on a daily basis, but on a job basis?

11 MR. LALONDE: No, on a per diem basis,
12 My Lord. They bill companies on the basis of number
13 of days they had been on such and such a ship. Mr.
14 Phipps-Walker would appoint a pilot to a ship on
15 tour-de-role basis and when finished the trip he
16 would send the bill to the company and the Shipping
17 Federation, although controlling the dispatching on
18 the tour-de-role list, was not an employer in the sense
19 he did not have to pay the pilot. The pilot was really
20 the employee of the actual ship, one would say,
21 although Shipping Federation had made arrangements
22 with them.

23 THE CHAIRMAN: The Shipping Federation
24 had to hire them and they were still carrying out the
25 system of the Sailing Master, that is not doing the job
26 within the District as it is now, but all the Great Lakes?

27 THE WITNESS: Yes. What I had in mind,
28 My Lord, was the previous year when Captain Downey was
29 dispatching the tour-de-role and all the cheques went
30 through him, but when we had this arrangement with the



1 Department of Transport to use their facilities that
2 changed and it is as described by Mr. Langlois.

3 MR. JACQUES: Captain Downey was
4 in 1956?

5 THE WITNESS: Yes.

6 MR. JACQUES: Was there any choice
7 pilots or special pilots?

8 THE WITNESS: In 1956?

9 MR. JACQUES: 1956 - 1957, or did the
10 ship have to take the first man on the tour-de-role?

11 THE WITNESS: 1957 they had to take
12 the first man on the tour-de-role.

13 MR. JACQUES: In 1956?

14 THE WITNESS: When they had a
15 contract, the contract, you were actually under the
16 jurisdiction of individual companies they had
17 contracts with.

18 MR. BRISSET: Q. In fixing the rate
19 at \$40.00 a day, was there any minimum number of days
20 that were guaranteed to the Sailing Masters? I ask
21 this question, Captain, because in the proposal of
22 the Sailing Masters' organization, they were asking for
23 a guarantee of 160 days of work.

24 A. No, there was no guarantee.

25 Q. So no problem arose in connection with
26 a guaranteed minimum?

27 A. No, none.

28 Q. Now, Captain, I want to pass on to
29 page 10 of your brief.

30 THE CHAIRMAN: Are you going to change



1 subject now?

2 MR. BRISSET: Yes.

3 THE CHAIRMAN: We will take a short
4 recess.

5 ---SHORT RECESS, AT 11:45 A.M.
6

7 ---UPON RESUMING AT 12:10 P.M.

8 MR. BRISSET: Q. Captain, at the
9 adjournment we were talking about the events in 1957
10 concerning the Sailing Masters then employed by members
11 of the Shipping Federation and I would like to refer you
12 to page 10 of your brief and you refer to a document
13 received from Rolla R. Johnson to accept American
14 Sailing Masters on the roster of Sailing Masters which
15 appears to have been a demand already made but which
16 was renewed at that time. Will you tell us briefly
17 what happened then?

18 A. Yes, we had demands from Captain Rolla
19 Johnson for the employment of American pilots as
20 Sailing Masters, and we opposed this demand, not because
21 they were American pilots but because of the element
22 in the United States that was opposed to ocean shipping
23 coming into the Great Lakes. We felt it was not in the
24 interest of ocean ships to have American pilots under
25 these circumstances and it certainly wasn't in the
26 interest of pilots themselves.

27 Q. Now, what about standards of competency
28 of those proposed by Captain Johnson to serve as
29 Sailing Masters at that time? In other words, did they
30 meet your requirements or those that you would set for



1 Canadian Sailing Masters or was the material proposed
2 as Sailing Masters different from the point of view
3 of competency?

4 A. They probably had the qualifications
5 but the records in one or two instances particularly
6 was not such it was attractive for us to employ them.
7 As a matter of fact, one or two of the American pilots
8 that were eventually fostered on us didn't last too
9 long.

10 Q. Did you finally accept some American
11 Sailing Masters into your roster that year?

12 A. Yes, on account of representation by
13 the Great Lakes Pilots Association, that is the
14 Canadian, -- I may say here -- and I already said it,
15 I think -- we never did recognize the Master, Mates and
16 Pilots through the Great Lakes Pilots Association and
17 as they constantly urged that we take Americans we
18 agreed to take in a few.

19 Q. You state that by the end of 1957 there
20 were four American Sailing Masters on the roster and
21 that appears from Exhibit already filed, #1079. Will
22 you tell us from this Exhibit who were the Sailing
23 Masters and whether they met your standards of
24 competency?

25 A. There was John W. Morrison.

26 Q. Is he still one of the pilots?

27 A. Yes, he was one of the ones that were
28 satisfactory. He didn't have a great deal of experience,
29 but that wasn't important as far as we were concerned.
30 We were concerned, we were quite sure he could get the



1 experience. As far as I recall Leif Alme was not
2 satisfactory and was 65 years of age. And Fred G.
3 Hawkins was not satisfactory and was 62 years of age.

4 Q. Now, I thought there was a fourth
5 one?

6 A. There was a fourth one, but he had
7 been Sailing Master for some considerable time.

8 Q. E. F. Flemming on the first page?

9 A. Yes.

10 Q. Did he prove satisfactory?

11 A. I think we had some trouble with Mr.
12 Flemming, but I can't recall an instance.

13 Q. At all events, by the end of 1957
14 you had four of them on the roster?

15 A. That's right.

16 Q. Now, the other event to which you
17 refer on page 10 of your brief is the stoppage of
18 work of the Sailing Masters in November, 1957, when
19 the St. Lawrence - Kingston pilots went on strike.
20 I believe you have already testified about this but
21 perhaps you could give us an outline of what happened
22 then?

23 A. Well, there was a strike in the St.
24 Lawrence - Kingston District and Captain Rolla Johnson
25 tried to take advantage of this situation to enhance
26 his prestige with the St. Lawrence- Kingston pilots and
27 also the Sailing Masters. And the picket lists were
28 set up at Kingston and it was declared by Captain Rolla
29 Johnson and officials of the Great Lakes Pilots
30 Association that any ship that did not employ Sailing



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1 Masters in open waters of Lake Ontario would not get
2 pilots in the Kingston District.

3 Q. What about picketing in the United
4 States ports? Was there any picketing at that time
5 and did you have occasion to proceed to some of the
6 American ports which were affected?

7 A. Yes. For the reasons I have already
8 mentioned, Captain Johnson declared publicly that a
9 certain ship when she arrived at Kingston late in
10 the season would be held up and she wouldn't be worked.
11 This ship, I think, was called the PERTH. She had a
12 cargo of fishmeal and a perishable cargo in any event
13 and he threatened to hold this ship up.

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1 Learning this I proceeded to Cleveland
2 and got in touch with the Federation's legal advisor
3 in Cleveland and as a result of that and as a result of
4 the efforts of our counsel in Cleveland, Johnson's
5 efforts to stop that ship discharging were frustrated.

6 Q Now, in the United States ports to ex-
7 plain the picketing what was the reason given by
8 Captain Rolla Johnson?

9 A The reason given by Captain Rolla
10 Johnson to justify this picket, or two pickets that he
11 put on the docks in Cleveland -- and incidentally at
12 Detroit and Chicago at the same time ~~the~~ the
13 Federation would not agree to employment of American
14 pilots.

15 Q In other words, in the United States
16 the reason advanced for the picketing was that the
17 Federation was not employing a sufficient number of
18 Americans and on the Canadian side the reason advanced
19 was that they were in sympathy with the St. Lawrence/
20 Kingston pilots?

21 A That is correct.

22 Q You mention at page 11 of your brief,
23 Captain, that there were appeals by Captain Rolla
24 Johnson to Paul Hall of the S.I.U. and Buster Slaughter
25 of the A.F. of L. to honour the pickets. When did that
26 come to your knowledge?

27 A That came to my knowledge during the
28 time I was in Cleveland. The longshoremen had refused
29 to recognize the picket line put up by Rolla Johnson
30



1 and I was advised by our counsel in Cleveland, Mr. Lee
2 ~~Hinslee~~, that it had come to his knowledge that Johnson
3 had contacted these high officials in the A.F. of L.
4 mentioned here for instance. The longshoremen com-
5 pletely ignored the picket line.

6 Q In fact, in Cleveland had you threatened
7 through your counsel to have injunction proceedings
8 taken if necessary?

9 A Yes. There were injunctions prepared
10 already, but I was advised by our counsel that it was
11 practically impossible to get an injunction even if
12 there were justifications or not for having this picket
13 line.

14 Q Were there any direct communications at
15 that time with the S.I.U. and the A.F. of L. and the
16 I.L.A. to find out whether injunctions would be neces-
17 sary or whether they would not honour the picket lines?
18 In other words, did you eventually lodge your injunct-
19 ion proceedings or was that found unnecessary?

20 A That was found unnecessary.

21 Q For what reason?

22 A Because the longshoremen refused to
23 honour the picket line and they walked right through
24 the picket line.

25 MR. LALONDE: My Lord, I hold no brief
26 for the S.I.U. or the A.F. of L. unfortunately -- for
27 me, I mean -- but I will nevertheless object to the
28 evidence given in this respect. We have gone almost
29 into fourth degree hearsay now on this thing.
30



1 Reporting what counsel told he felt somebody had done
2 is pretty far-fetched as far as the evidence is con-
3 cerned of this matter.

4 THE CHAIRMAN: In any event what Captain
5 Matheson knows, of course, is a fact, but what was told
6 him of course is hearsay.

7 MR. BRISSET: Q Am I right in under-
8 standing that the ships that were then working in the
9 United States ports that you have mentioned, namely
10 Chicago, Detroit and Cleveland, were not delayed?

11 A That is correct.

12 Q The third event of importance to which
13 you refer on page 11 of your brief was the introduction
14 into the Congress or the House of Representatives, the
15 85th Congress 1st Session on May 14th, 1957 (it should
16 be 1957 instead of 1947) of Bill HR-7515 and on May
17 15th, 1957 in the United States Senate of the companion
18 bill, S-2096, which was the first pilotage bill intro-
19 duced in the United States. That is correct?

20 A That is correct.

21 Q You refer in the same paragraph to the
22 release of the Congressional Information Bureau of
23 October 2nd, 1957 explaining the proposed legislation
24 and stating that in fact it was to perpetuate the
25 practice then existing of carrying sailing masters --
26 the practice followed by the ocean vessels?

27 A Yes.

28 MR. BRISSET: My Lord, I would like to
29 file as Exhibit 1220 a copy of the Congressional
30



1 Information Bureau release on this legislation dated
2 October 2nd, 1957. Briefly it states that the measure
3 was introduced by the Chairman of the House Merchant
4 Marine Committee. It had the support of the State
5 Department and of the Commerce Department and also of
6 the St. Lawrence Seaway Development Corporation at that
7 time.

8
9 ---EXHIBIT NO. 1220: Copy of Congressional
10 Information Bureau Release,
dated October 2nd, 1957.

11 Q Now, Captain, before this bill was
12 introduced in the United States Congress and Senate
13 had your Shipping Federation been consulted at all on
14 behalf of the ocean industry by either the Canadian
15 Government or the U.S. Government with respect to this
16 proposed legislation?

17 A No. As a matter of fact we were
18 unaware that there were any discussions going on between
19 the two governments.

20 Q Did you realize subsequently that
21 discussions had already taken place between the two
22 governments?

23 A Later we did.

24 Q Now, Captain, you refer at page 12
25 of your brief to a meeting convened by the United
26 States Coast Guard on October 25th and 26th, 1955, in
27 Cleveland, attended amongst others by Captain R.T.
28 Merrill, Chief, Shipping Division, Department of State
29 of the United States, Vice-Admiral Lyndon Spencer,
30



1 President of the Lake Carriers' Association and Captain
2 Rolla R. Johnson of The International Organization of
3 Masters, Mates & Pilots, Inc., and others of course.

4 Were you at all invited or was the
5 Shipping Federation as the official body representing
6 the ocean industry invited to that meeting?

7 A No; we did not know any meeting was
8 taking place.

9 Q You have obtained, I take it, a
10 copy of the transcript of the statements made at that
11 meeting by all those present?

12 A We have.

13 MR. BRISSET: Forgive me, My Lord,
14 but perhaps the Commission would be interested in having
15 a copy of this meeting which was actually the first
16 meeting, as far as I know, in which a project of a
17 pilotage bill was discussed amongst various interests.
18 I would ask you to file this document as Exhibit 1221.

19 THE SECRETARY: May I have the des-
20 cription again, please?

21 MR. BRISSET: Record of the dis-
22 cussions at a meeting convened on October 25th and 26th,
23 1955 in Cleveland by the United States Coast Guard on
24 the subject of pilotage in the Great Lakes.

25 MR. LANGLOIS: My Lord, I think we
26 should have a look at this. I do not think this witness
27 is a proper witness to file such a document. He was
28 not even invited to the meeting. How can he file the
29 minutes of such a meeting now?
30



1 THE CHAIRMAN: This document will be
2 obtained and these minutes are pertaining to the minutes,
3 so you can look at them and if you find that they are
4 not properly certified, you may say so. But that is
5 the document he received, which is filed as such now.

6 MR. LANGLOIS: From whom? May we
7 know that?

8 MR. BRISSET: Again I am not at
9 liberty to disclose the origin of the document.

10 MR. LANGLOIS: I object to the fil-
11 ing of this document, My Lord.

12 THE CHAIRMAN: That is all right.
13 We will take it just as a document that Captain Matheson
14 received, but as to the authenticity of what it is con-
15 tended are the minutes of the meeting, this is not
16 established. It could be established. I presume we
17 are going to have Captain Johnson here on Monday. This
18 would be a good question to ask him.

19
20 ---EXHIBIT NO. 1221: (To be produced.)
21 Record of the Discussions
22 at Meeting, convened on
23 October 25th and 26th,
24 1955 in Cleveland by the
United States Coast Guard,
on the subject of pilotage
in the Great Lakes.

25 MR. BRISSET: Q Captain, at all
26 events am I right in assuming that you did take some
27 action on the basis of what was disclosed in this
28 record -- whether the record is a true copy of what
29 actually took place there?

30 A Yes. In other words, I was



1 fore-warned of what I could expect in the future from
2 this document.

3 MR. JACQUES: And you acted on that
4 document?

5 THE WITNESS: Yes, sir.

6 MR. BRISSET: My Lord, if we may be
7 permitted to file it at the adjournment?

8 THE CHAIRMAN: I understand that the
9 records of any Coast Guard meetings are public, are
10 they not?

11 MR. BRISSET: I am unable to answer
12 that question.

13 THE CHAIRMAN: In any event if they
14 were it would be very easy for us to have them certi-
15 fied.

16 MR. BRISSET: I am quite sure that
17 the document was distributed to all those present and
18 all I can say is that it was obtained from one of those
19 present.

20 THE CHAIRMAN: Thank you.

21 MR. LANGLOIS: One of those who
22 changed sides?

23 THE CHAIRMAN: So you will file it
24 under the reservation of the objection made by Mr.
25 Langlois.

26 MR. BRISSET: Yes.

27 Q Captain, just one more clarification:
28 You stated that you acted on this document, but on the
29 other hand you were not aware in 1957 of what had been
30



1 taking place in the United States with respect to
2 pilotage on the Great Lakes. Am I right in therefore
3 concluding that this document came to your hands later
4 than 1957, or that is about the same time as the legis-
5 lation was introduced?

6 A About the same time as the legis-
7 lation was introduced.

8 Q And it is in the light of this docu-
9 ment and the legislation itself that you took action?

10 A Correct.

11 Q We come to the year 1958. At a time
12 when you had become aware of the legislation introduced
13 the previous year in the United States Congress and
14 Senate, the purpose of it, as explained in the exhibit
15 1221, the release from the Congressional Bureau, was to
16 perpetuate the sailing master system. I would like you
17 to tell us what action you did take at that time in
18 early 1958 in the light of the legislation that you had
19 now become aware of?

20 A Early in 1958 it was evident to the
21 Federation that we could not hope to supply competent
22 pilots to all ships trading into the Great Lakes on the
23 basis of the sailing master system. Consequently we
24 decided that we should supply pilotage where pilotage
25 was necessary -- that is, the restricted areas of the
26 Great Lakes.

27 Q Now, in order to come at the decision
28 which you have just mentioned did you make a survey of
29 the time consumed by sailing masters on board ship in
30



1 order to determine how much of their time was useful and
2 how much of their time was perhaps simply lost on board
3 ship in port or not working?

4 A Yes, we did.

5 Q What was the result of that survey?
6 Tell us briefly how that survey was conducted?

7 A The survey was conducted by getting
8 information from all --

9 COMMISSIONER SMITH: Captain, I
10 would like to ask you this question. In the middle
11 paragraph of page 12 in the 1958 period it speaks about
12 the survey of the pattern of traffic in 1957 "which
13 showed that the average duration of the voyage for an
14 ocean vessel into the Lakes was 23 days during which
15 time the ship spent 52.3 percent of her time in port
16 and 47.7 percent sailing."

17 That estimate was made in 1957.
18 Would that estimate hold good today?

19 THE WITNESS: I would say so, yes.

20 COMMISSIONER SMITH: Today?

21 THE WITNESS: Yes.

22 MR. BRISSET: Q Although the voy-
23 ages might be a little bit shorter and instead of
24 taking 23 days to make a round voyage, say to Chicago
25 or Duluth -- I think you gave us an estimate of some-
26 thing like 18 days today?

27 A That is ships going direct to
28 Chicago; but that did not take into account ships that
29 may have calls at ports en route. These figures are
30



1 the result of a very extensive survey that was made at
2 the time in which we got information regarding the voy-
3 ages into the Lakes from all our members.

4 Q What did this information consist
5 of? I mean, how did they go about it to give you the
6 information that you required? For instance, let us
7 take one specific ship going into the Lakes; what did
8 the report of your member contain?

9 A The actual log of the ship.

10 Q In other words, his time of arrival
11 at Kingston?

12 A The time en route from Kingston for
13 instance to Toronto; the time the vessel was in Toronto;
14 when the vessel left and went into Port Weller, the
15 time transiting the Welland Canal -- it was all
16 averaged out and this was the result.

17 Q Now, you were asked a question,
18 Captain Matheson as to whether these averages would
19 still hold today. In this regard I would like to put
20 it to you that when your survey was conducted you were
21 dealing with small vessels, as the length of the vessel
22 was then limited to 250 feet to negotiate the canals.

23 A That is correct.

24 Q Would these vessels stay longer in
25 ports or for a lesser period than the bigger ships now
26 that come and have more cargo?

27 A It would be expected that the bigger
28 ships would spend more time in port. Of course, there
29 is another aspect also, that these Great Lakes ports
30



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1 are more congested now and there are delays consequently.

2 I have to answer your question cor-
3 rectly, Mr. Smith, that there would be more time spent
4 in port now than necessarily revealed.
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Q Are the bigger ships coming into the Seaway now faster also than the small ships that were trading into the Great Lakes before the Seaway?

A Yes, this has been the trend in shipping.

Q So the sailing time would again be shorter?

A Correct.

Q Than the sailing time of the smaller ships?

A Yes.

COMMISSIONER SMITH: Would it be about 60/40; 60 in port and 40 sailing?

THE WITNESS: I would say probably 45/55.

COMMISSIONER SMITH: 55 to 45?

THE WITNESS: Yes.

COMMISSIONER SMITH: 55 in port and 45 sailing.

THE WITNESS: That is right.

MR. BRISSET: Mr. Commissioner, I have actual operators here with me who say that it is more likely 60/40. 60 percent in port and 40 percent in sailing. Well, it is just a rough guess, almost.

MR. LALONDE: I have a pilot here who feels it is maybe the reverse, 60/40 and probably you can get another pilot who would say 70/30.

MR. BRISSET: Q Now, as a result of the facts determined by this survey what was the



1 decision reached first of all by yourself as in charge
2 of pilotage matters?

3 A Well, personally I felt that it was
4 a waste of material to have pilots on board ships in
5 the open waters of the Great Lakes and that pilotage
6 should be confined to where -- those areas where pilot-
7 age was necessary and we decided on what was fair and
8 reasonable restricted areas where pilots should be, and
9 these areas, that were decided upon at that time, are
10 the areas which we have today which are considered re-
11 stricted waters in the Great Lakes. That is from Port
12 Weller to Sarnia.

13 We have Lake Erie there but for ex-
14 pediency we felt that a pilot should be kept on on Lake
15 Erie and although it was considered unrestricted areas
16 or open waters, the pilots was kept on for expediency
17 and that was considered a rest period for the pilot.

18 He took the ship through the Welland Canal
19 and then he had a rest period until the ship came to
20 the southeast shore.

21 THE CHAIRMAN: Was the reason for
22 that that there was no disembarking facility available
23 at the west part of Lake Erie?

24 THE WITNESS: That is correct, My
25 Lord. A number of ships did not justify putting a pilot
26 boat there or making arrangements to get pilots off and
27 on there.

28 That is a matter that has been given
29 a great deal of consideration, and in my opinion as
30



1 traffic increased in the Lake it should be given
2 further consideration. It is not impossible to trans-
3 fer pilots there.

4 THE CHAIRMAN: The de-boarding
5 station --

6 THE WITNESS: It is an economic
7 situation.

8 THE CHAIRMAN: The de-boarding
9 station would have to be around Peele Island.

10 THE WITNESS: Somewhere like that.
11 In that regard it is known that sometimes pilots are
12 put on ship by helicopter. There are various aspects
13 that can be considered with regard to transferring
14 pilots there, but at the time when we decided on these
15 restricted areas it was not economically wise to give
16 that serious consideration; so the pilot was kept on
17 board and it was considered as a rest period. Then
18 there was --

19 MR. BRISSET: Q In other words,
20 at that time there was not enough traffic to incur the
21 expense of putting another pilot on board or taking him
22 off at the southeast shoal would warrant?

23 A Correct. Consequently --

24 Q I do not want to at this stage go
25 into the recommendation. That will come later on and
26 perhaps we will leave this operational problem to be
27 dealt with later on in the light of present traffic
28 conditions.

29 Will you proceed? You said that you
30



1 considered at that time that it would be sufficient to
2 have the services of a pilot in what you considered to
3 be the restricted waters. You set up this area between
4 Port Weller and Sarnia?

5 A Yes.

6 Q Was there any other area at the time
7 that you considered necessary to establish a pilotage
8 system?

9 A No. Only at that time very few ships
10 proceeded into Lake Superior. Consequently we did not
11 think that the number of ships that proceeded in there
12 justified any special arrangement, so it was arranged
13 that ships proceeding to Lake Superior, that the pilot
14 would remain on board at Sarnia and proceed into Lake
15 Superior and remain with the ship on the sailing master
16 principle.

17 Q In other words, at that time the
18 ocean traffic was mainly directed towards Chicago and
19 ports in the vicinity of Lake Michigan in the package
20 freight?

21 A Yes.

22 Q There was not yet any large bulk
23 carrier going up to Duluth or Fort William to pick up
24 grain?

25 A Right.

26 Q That is something which came later
27 with the Seaway?

28 A Right.

29 Q Now, in the interval at the beginning
30



1 of the year 1958, Captain, there were hearings on the
2 Pilotage Bill introduced in the United States Congress
3 and I take it that your Federation made representations
4 at that time opposing the Bill?

5 A Very strong representations, yes.

6 MR. BRISSET: My Lord, we have been
7 unable to obtain and were in fact unable to obtain at
8 the time a transcript of the evidence given before the
9 Sub Committee on Coast Guard and geodetic survey of the
10 House Committee of Merchant Marine and Fisheries but I
11 have deposited with the Secretary a copy of the
12 Congressional report on this hearing, which gives quite
13 an accurate and complete account of what took place at
14 the time. I don't know whether it has been filed under
15 an exhibit number. Exhibit No. 1103.

16 THE SECRETARY: My Lord, it was given
17 Exhibit No. 1103 filed on March 20th in Toronto.

18 MR. BRISSET: With all the trans-
19 cript of the other hearing and other bills.

20 THE SECRETARY: Which are 7550.

21 MR. BRISSET: And S 3019, HR 10593.

22 THE SECRETARY: There is a mention
23 in the description of the exhibit as being 1957, 58,
24 59 and 60.

25 MR. BRISSET: My Lord, we have on
26 page 13 an extract from the submission made by the
27 Federation before this House Committee at the time and
28 it is quoted in the exhibit that we have just mentioned
29 and states what the position was of the Federation as
30



1 explained by the witness.

2 MR. BRISSET: Q Now, Captain, at
3 the same time as you were presenting your reasons to
4 oppose the U.S. legislation, were you -- I am speaking
5 of the Shipping Federation officially -- in contact
6 with the Department of Transport?

7 A Oh, yes.

8 Q In order to gain its support to op-
9 pose also that legislation?

10 A Yes, we were, yes.

11 Q Did you disclose at the time to the
12 Department your intention of creating a new pilotage
13 district, Port Weller-Sarnia to cover these restricted
14 waters?

15 A Yes, we did and as a matter of fact
16 we again urged upon the Department of Transport to take
17 over pilotage on the Great Lakes.

18 Q Captain, I would like to file as
19 Exhibit 1222 a copy of a letter dated 14th of March,
20 addressed to yourself personally by Mr. Norman Wilson,
21 the Director of Marine Services at the time on this
22 topic. I would like to quote one extract to the
23 Commission.

24
25 ---EXHIBIT NO. 1222: Copy of Letter, dated 14th
26 March, addressed to Captain
27 Matheson, from Norman Wilson,
Director of Marine Services.

28 MR. BRISSET: "The Department has
29 given consideration to your request that a pilotage
30 district be created under the Canada Shipping Act to



1 include the waters between Port Weller and Sarnia, or
2 Point Edward. It is found that the operation of such a
3 district would be attended under the present provisions
4 of the Canada Shipping Act by certain legal difficulties,
5 having regard to the International nature of the waters
6 concerned. The matter is still under study, but I must
7 inform you that there is no possibility of accomplish-
8 ing before the opening of navigation the necessary pro-
9 cedures for the creation of the district, and the
10 framing and passage by Order-in-Council of appropriate
11 by-laws.

12 The Department is willing to continue
13 the system followed last year, under which the pilotage
14 officer at Kingston may keep a roster of sailing masters
15 for despatch in turn, the names on such a roster being
16 supplied and controlled by the Shipping Federation.

17 On the other hand, the Federation
18 may deem it advisable to set up its own despatching
19 system at Port Weller and Sarnia, and institute im-
20 mediately the practise of employing sailing masters
21 only between those two points.

22 I may say that if in due time ap-
23 proval is granted by Parliament of certain amendments
24 to the Canada Shipping Act, the Department will be in a
25 better position to take some action in the matter of
26 the employment of Great Lakes pilots, but at present
27 it would appear that we can go no farther in this re-
28 spect than we did last year."

29 MR. LALONDE: Pardon me, My Lord.
30



1 This letter refers to previous correspondence by
2 Captain Matheson. I feel that this correspondence
3 should be annexed. This is an answer by Mr. Wilson.

4 MR. BRISSET: I have no objection.

5 THE CHAIRMAN: That can be surely
6 done. It can be obtained either from Captain Matheson
7 or from the D.O.T. so it might as well be attached.

8 MR. BRISSET: We have it here. We
9 can file it.

10 THE CHAIRMAN: Under the same number.

11 MR. BRISSET: Under the same number.
12 The letter of the Department pretty well gives an idea
13 of the correspondence so I will file this correspondence.
14

15
16
17 Q Following receipt of this letter of
18 the 14th of March, 1958 from the Director of Marine
19 Services, what was done by the Shipping Federation
20 with respect to this pilotage district that was
21 proposed?

22 A Well, of course in the interval we
23 had a meeting with the Great Lakes Pilots' Association.
24 Do you want me to explain that, Mr. Brisset?

25 Q Yes, go ahead; as you wish.

26 A We had meetings with the Great Lakes
27 Pilots' Association and the Federation and Captain
28 Rolla Johnson, as usual, was the spokesman for the
29 Canadian pilots. And he again made exorbitant demands
30



1 on the Federation, and consequently we had no alter-
2 native but to set up this new system of pilotage in
3 restricted waters where pilotage was necessary; for
4 the reasons I have already explained and also on ac-
5 count of the difficulties we were having with the
6 American Masters, Mates and Pilots' representative.

7
8 Consequently it was agreed at a
9 meeting of the Federation that the Federation should go
10 ahead with the recommendation that a fair investigation
11 be made of the possibility of giving effect to re-
12 stricted pilotage areas on the Great Lakes and after
13 that decision, I was directed and instructed to pro-
14 ceed to the Lakes and make a survey and report back --
15 make a survey with a view to setting up pilotage
16 districts in the Great Lakes or a pilotage district at
17 that time.

18 Q Captain, before you proceed to ex-
19 plain to us how you conducted your survey and the re-
20 commendations that followed, I would like you to file
21 as Exhibit 1223 a copy of the minutes of the meeting
22 held on March 31st, 1958 in the office of the Shipping
23 Federation between the members of the Pilotage Committee,
24 the representative of the Chicago Steamship Association
25 and Captain Rolla Johnson, Captain C. Cote, Captain T.
26 Wilson and Captain J. Andrews, the four of them repre-
27 senting the International Organization of Masters,
28 Mates & Pilots on the Great Lakes Pilotage Association
29 of Canada.

30 A Yes.



1 MR. LALONDE: My Lord, I object to
2 my friend's statement when he says the four of them
3 represented the I.O.M.M.P. for the Great Lakes Pilots'
4 Association of Canada.

5 MR. BRISSET: Respectively, I should
6 add.

7 Q Did you attend this meeting?

8 A Yes, I did.

9 Q Did you explain at the time to the
10 representatives of these two organizations what your
11 intentions were with regard to the formation of this
12 district? And how it would operate?

13 A We did. We asked for a Corporation
14 to set it up.

15 Q What was the reaction of the sail-
16 ing masters' represented at that time?

17 A They opposed any change in the sail-
18 ing masters' system.

19 Q I take it this is all recorded in
20 the minutes of the meeting? A. Yes.

21 ---EXHIBIT NO. 1223: Copy of minutes dated March 31, 1958.

22 Q Now, at all events, did you ask the
23 representative of the sailing masters to re-consider
24 their decision as expressed at this meeting and consult
25 the membership?

26 A We did.

27 Q And did you finally receive an in-
28 dication from the representatives of the sailing
29 masters as to what the reaction was of the membership?
30



1 A Yes. We had a letter from Captain
2 Rolla Johnson of the Masters, Mates & Pilots Great
3 Lakes District, dated April 7, 1958.

4 Q To what effect?

5 A Rejecting this proposal.

6 MR. BRISSET: My Lord, I would like
7 to file as Exhibit 1224 this letter of April 7th, 1958
8 from which I shall quote one extract.

9 "It was the decision of all the
10 pilots present that this subject of the Port
11 Weller-Sarnia Pilotage District would jeopardize
12 the safety of navigation on the Great Lakes
13 and so the proposal was turned down by signed
14 vote of the members agreed to unanimously."

15 The letter is dated April 7, 1958
16 from Captain Rolla R. Johnson to Captain J.E. Matheson.

17 ---EXHIBIT NO. 1224: Letter of April 7, 1958
18 from Captain Johnson to
19 Captain Matheson.

20 Q Following the rejection of the pro-
21 posal that you had made to the sailing masters, was a
22 decision taken by the Shipping Federation to go on with
23 the project?

24 A Yes. We called a meeting and at
25 that meeting I suggested that the Federation should pro-
26 ceed immediately with the organization of the new
27 system, setting up a pilotage district between Port
28 Weller and Sarnia and the meeting agreed with this
29 suggestion.
30



1 I see from the record obtained that
2 your recommendation was first presented at a meeting of
3 April 2nd of the Pilotage Committee and taken up at a
4 general meeting held on April 14th 1958?

5 A Yes.

6 Q I would ask you file as Exhibit
7 1225 a copy of the minutes of those two meetings?

8 A I may say at the general meeting I
9 had in the meantime made an investigation of the policy
10 of setting up this pilotage district, and at this
11 general meeting, the second minute, I tabled my report.

12
13 ---EXHIBIT NO. 1225: Minutes of two meetings,
14 April 2nd and April 14th,
1958.

15 Q Would you file, therefore, as Exhibit
16 1226 the report which you tabled at the meeting of the
17 members on April 14th, 1958.

18 For the information of the Commission,
19 would you --

20 THE CHAIRMAN: Excuse me. Have you
21 long to continue on this subject?

22 MR. BRISSET: Yes, My Lord.

23 THE CHAIRMAN: It is past one now.
24 We will adjourn until this afternoon at two-thirty p.m.

25
26 ---EXHIBIT NO. 1226: Report tabled to Meeting
27 of Members of the Pilotage
Committee on April 14th, 1958

28
29 ---LUNCHEON ADJOURNMENT
30



1 ---UPON COMMENCING AT 2:35 P.M.

2 DIRECT EXAMINATION BY MR. BRISSET:

3 Q. Captain Matheson, in connection with
4 Exhibit 1222, that is a letter dated the 14th of March
5 from the Director of Marine Services to yourself
6 stating that the Department was not prepared to create
7 the pilotage district between Port Weller and Sarnia,
8 but that the Federation could go ahead on its own; you
9 were asked to file the correspondence to which there
10 is a reference in that letter which preceded the
11 receipt of this letter and I would like you to file,
12 under the same number, a memorandum of a discussion
13 that took place at a meeting on February 17th between
14 members of the Pilotage Committee of the Shipping
15 Federation and the Deputy Minister of Transport and
16 his senior officials as well as a copy of a letter
17 dated February 20th, addressed by yourself to Mr. C. S.
18 Booth, the Assistant Deputy Minister, and finally
19 a copy of a memorandum regarding the discussion which
20 took place at a meeting between members of the Pilotage
21 Committee on February 28th in the office of Mr. Booth
22 and other officers of his Department. This will all
23 be under Exhibit 1222. I would like to quote, Captain
24 Matheson, from the memorandum prepared by you at the
25 meeting of February 17th, and I quote:

26 "The Department of External Affairs had
27 been alerted with respect to the Department of Transport's
28 intention to advise the United States authorities that
29 the Canadian government considers the pending legis-
30 lation contained in Bill HR 7515 as wrong in principle".



1 And then there is this further note:

2 "On the afternoon of Wednesday, March 12th,
3 Mr. Booth, Assistant Deputy Minister, advised Captain
4 Matheson that the text of the representation by the
5 Department of Transport to the Department of External
6 Affairs(which representation was similar to that
7 contained in the Federation's letter of February 20th)
8 would be prepared for signature by the Deputy Minister of
9 Transport, and should be delivered to the Department of
10 External Affairs that day.

11 A. Yes.

12 Q. "The Department of External Affairs
13 was previously briefed by Mr. Booth and the latter had
14 given assurance that there would be no delay in submitting
15 their representations to United States authorities by
16 the Department of External Affairs."

17
18
19
20 Were you given or read the text of
21 the document which the Department was to forward to
22 the American government at that time?

23 A. No. As far as I can recollect it
24 was considered confidential between the two governments.

25 Q. When were you first aware of the text
26 of the message? Was it at the hearing when it was
27 deposited before the Senate Committee or were you
28 aware of it before that?

29 A. I can't recall at this time. It seems
30 to me we had some knowledge that there was, but I don't



1 think we knew exactly the contents of it.

2 Q. At that time?

3 A. At that time.

4 Q. Now, I place before you a copy of
5 this letter of February 20th, 1958 which you addressed
6 yourself to Mr. Booth, the Assistant Deputy Minister,
7 already filed as 1222. I would like you to comment
8 on this letter insofar as it expounded the system which
9 you were recommending for pilotage on the Great Lakes.
10 In other words, I would like you to tell us whether
11 the system in particular which you recommended then
12 was eventually the system that came into force from
13 a practical point of view?

14 A. Yes, it was.

15 Q. I see as annex to your letter you
16 give statistics of what the Sailing Masters' system
17 had cost to the vessels using these Sailing Masters
18 in the season of 1957 and a system of the cost of
19 pilotage in the proposed restricted waters of
20 Port Weller to Sarnia?

21 A. Yes.

22 Q. What was the reason for you to give
23 this information to the Department at the time? Had
24 you been asked to submit an estimate of what it would
25 likely cost if this District was formed?

26 A. The Department was interested in any
27 information that could be given as regards the formation
28 of these Districts.

29 Q. And that was the purpose of you giving
30 these statistics, as to what would be the probable cost?



1 A. Exactly.

2 Q. I notice, if you will refer to page
3 2 of your Statement, that you had based your estimate
4 on the basis that 15 pilots would be required. Actually
5 was your estimate correct at the time?

6 A. I think we were underestimating the
7 number of pilots.

8 Q. In other words, 1958 saw a considerable
9 increase of traffic over 1957?

10 A. A considerable increase over 1957.

11 Q. And your estimate as shown on page 2
12 was based on the 1957 traffic?

13 A. 1957 traffic.

14 Q. I think it is already in evidence
15 that apparently 30 pilots or thereabouts were needed
16 in 1958?

17 A. That was the actual number of pilots
18 that was required in 1958.

19 Q. Now, in the memorandum of the meeting
20 held on February 28th I find that this question was
21 raised by Mr. Wilson and I quote:

22 "Was there any possibility that trouble
23 would result from the Sailing Masters if this District
24 was created by the Department that shore labour at
25 United States ports support the Sailing Masters in
26 such event". That is, if the government were to
27 institute that District?

28 A. Yes.

29 Q. What was your reaction to this at the
30 time?



1 A. My reaction was that there was every
2 possibility that there would be difficulty.

3 Q. In other words, that you feel that if
4 the District was created by the Department rather than
5 by the Shipping Federation on a private basis there
6 would be more or less chance of labour trouble?

7 A. Less chance of labour trouble, and
8 that is one of the reasons we were anxious for -- one
9 of the many reasons we were anxious for the government
10 to take it over and operate it.

11 Q. In other words, you felt then if the
12 government were to do it there would be less likely
13 labour trouble in the United States than if you did
14 it privately?

15 A. That's right, yes.

16 Q. Captain, I just want to go back to
17 one Exhibit that has been filed as 1221. The record
18 of the informal conference by the U.S. Coast Guard
19 on the Great Lakes pilotage situation. And, you told
20 us this morning that you were forced to take some
21 action in the light of the information disclosed in this
22 regard. Could you amplify this and tell us what concern
23 was raised in your mind by the record that was made
24 available to you?

25 A. Yes. There was one aspect there I
26 can remember from memory. It caused us some concern,
27 as a matter of fact some alarm, and that was the
28 difference of the word "pilotage", "pilots", the
29 difference between the definition of the U.S. inter-
30 pretation of the word "pilots" and our Canadian



1 interpretation of the word "pilot".

2 Q. How did that manifest itself -- this
3 difference? In what way did it give you concern?

4 A. Well, the bill merely, the discussion
5 of Bill 57 envisioned there would be apparently pilotage
6 without any control or provision made for any control
7 or administration and if that was left to unscrupulous
8 people then, of course, there was a great danger of
9 running ocean ships right out of the Lakes, particularly
10 as regards the interpretation, different interpretation
11 to this word "pilotage". In the United States a
12 pilot's licence is issued, can be issued to a young
13 boy after doing a certain amount of time as able
14 seaman, after three or four years, and the first
15 licence he has got can be a pilot's licence. It is
16 not a full pilot's licence, but nevertheless, it is
17 a pilot's licence. Whereas, under our Canadian
18 understanding, before the pilot's licence could be
19 issued for the Great Lakes, for instance, District #2,
20 a young man would have to serve a certain amount of
21 time as Third Mate and a certain amount of time as
22 Second Mate and a certain amount of time as Chief
23 Officer, probably involving about five years. And,
24 then, if he was suitable in all other respects, he
25 would be Master. And, our qualifications for a pilot
26 in the Great Lakes we require him to have at least
27 two years as Master trading in the area where,
28 according to the American interpretation of pilotage,
29 a young boy with six months' service on the bridge
30 could be termed a pilot and could go aboard one of the



1 ocean ships in the capacity of pilot.

2 Q. In other words, based on the
3 registration that was put before the Congress at
4 the time this young boy would have been a qualified
5 pilot to pilot ocean vessels?

6 A. Exactly.

7 Q. Irrespective of whether he was
8 competent or not?

9 A. Exactly, and that is one of the
10 reasons why we felt the fundamental concern was to
11 have a reliable control of pilotage.

12 THE CHAIRMAN: These were the Coast
13 Guard's licences granted by -- pilot's licence granted
14 by the Boast Guard?

15 THE WITNESS: Pilot's licence granted
16 by the appropriate authority in the States referred to
17 as pilot's licence rather than as Mate's certificates,
18 My Lord.

19 THE CHAIRMAN: I see.

20 MR. BRISSET: Q. Now, what about the
21 problem of semantics which this created insofar as
22 a distinction being made between officers of ocean
23 ships and pilots within the American concept of it.
24 What did that result as you could see from the minutes
25 of this conference?

26 A. Well --

27 Q. What gave you concern?

28 A. It could result that a body of pilots
29 would be created in the United States of incompetent and
30 unqualified pilots.



1 COMMISSIONER SMITH: Captain, to
2 clear up a point, you mentioned that pilot's licences
3 were granted in lieu or in the place of Mate's
4 certificates, or words to that effect?

5 THE WITNESS: Not in place, Mr. Smith.
6 It is the name pilot's licence in the States is
7 similar to Mate's licence in Canada.

8 COMMISSIONER SMITH: Yes. Well now,
9 what about the pilot's licences that are issued by
10 the Federal Authority in the States? Aren't they
11 real pilot's licences?

12 THE WITNESS: No. They are licences
13 issued to officers in the same category as Mate's
14 licences are issued in Canada and unlimited licence
15 in the States is the same as Master's licence in
16 Canada.

17 COMMISSIONER SMITH: And that
18 licence issued by Federal Authority, what is the
19 official name of it? What do they call it?

20 THE WITNESS: Pilot's licence.

21 MR. BRISSET: Q. You are dealing now,
22 I take it, Captain, with the situation on the Lakes?

23 A. That's right.

24 Q. You don't want to get involved with
25 a situation on registered ocean vessels and that sort
26 of thing?

27 A. No, I think it would be better if we
28 confine it to the Lakes without getting into too many
29 complications.

30 Q. Now, Captain, all through the minutes of



1 this conference I have seen references to the fact that
2 American lake ships trading on the Lakes have on board
3 three and four pilots and that consequently it would
4 be perfectly logical to insist that on board each
5 ocean vessel there should be put when trading into
6 the Lakes three and four pilots. Was that of any
7 concern insofar as you were concerned?

8 A. Well, of course, the representation
9 made by the Masters, Mates and Pilots was that these
10 ocean ships should have three pilots on board.

11 Q. Why should they have three?

12 A. One for each watch. No consideration
13 was given to the fact that these ocean ships already
14 had three pilots, in the American interpretation of
15 "pilot". But in the Canadian or foreign ships they
16 were described or referred to as "mates", so that is
17 where the semantics came into play.

18 Q. In other words, use was made of the
19 problem of semantics to urge that on board ocean ships
20 trading into the Lakes in addition to their normal
21 complement of a Master and three officers there should be
22 put three or four pilots, as American lake ships
23 themselves carried three and four pilots?

24 A. Correct.

25 Q. Now, Captain, we have reached the
26 point where on the 14th April, 1958 your members,
27 the members of the Shipping Federation of Canada,
28 decided to go along with the establishment of a
29 Pilotage District to be known as the Port Weller/Sarnia
30 Pilotage District and this was done on the strength of



1 a report which you made to the Committee, already filed
2 as part of Exhibit 1226. Will you outline to the
3 Commission the work which you did in order to put
4 the organization on a working basis? What did you do?

5 A. Well, in the first instance it was
6 necessary for us to get the cooperation of the Seaway,
7 particularly the branch in the Welland Canal. In the
8 second place it was necessary that we have a dispatcher
9 or supervisor stationed at Port Weller or Dalhousie.
10 In the third case it was necessary that we have
11 pilot boat services at Sarnia to transfer pilots.

12 Consequently when I set out to
13 explore the situation I went to the Welland Canal first
14 and had discussions with Welland Canal authorities.
15 I was hoping that some arrangement could be made
16 similar to what we had with the government as far
17 as Kingston was concerned and that the headquarters
18 of the Seaway, that the Welland Canal could be utilized
19 as a pilot office and would have the cooperation of
20 Seaway officials.

21 So I had discussions with Mr. Ellis
22 and someone else who was in charge of the Welland Canal
23 and disclosed the purpose of my visit there and the
24 problems I had. It was revealed that they were under-
25 staffed and that there was very little accommodation
26 and consequently I could get no assistance from that
27 quarter.

28 At the same time I discussed the attitude of
29 the Seaway with ships coming into the Welland Canal
30 without pilots on board or without Sailing Masters on



1 board. The scheme envisaged that there would be no
2 Sailing Master after the ship left Kingston. The
3 Seaway authorities did not see any problem there.
4 And the question of a pilot boat was discussed at
5 Port Weller.

6 I was of the opinion that it was not necessary
7 for a pilot boat at Port Weller, that ships should
8 dock at the tie-up wall themselves, where they would
9 be supplied with a pilot. The Seaway authorities
10 concurred in this view, so my next difficulty was in
11 obtaining a good, reliable dispatcher or supervisor
12 of pilotage.

13 I had several names. I had recommendations
14 from the Seaway authorities at the Welland Canal. All
15 this, of course, is detailed in this report and I
16 will not go into too many details here. But I paid
17 a visit to Captain and Mrs. Crawford's home, had a
18 discussion with them and decided that in them both I
19 had a team that could do the job that was necessary.
20 So preliminary arrangements were made on the spot.

21 Then I proceeded to Sarnia -- I may say
22 with some apprehension, because the Department of
23 Transport, their technical men in the Department of
24 Transport at first maintained that it was not practical
25 to transfer pilots at Sarnia. I felt differently.
26 Through discussions I had with men that had years and
27 years of experience in the Lakes on lake ships, I was
28 convinced that this was possible. However, I went up
29 to Sarnia with some apprehension and contacted local
30 authorities there -- the Harbour Master and various



1 other people in the know.

2 To cut this story short also, I had an
3 interview with Mr. Purdy, who was a seaman and a
4 fisherman and a businessman. After some discussion we
5 came to an agreement as to terms of how this transfer
6 would be made and what it would cost. And I returned
7 to Montreal and I submitted this report.

8 There is just one other thing.
9 Captain Jones of the Department of Transport accompanied
10 me on this trip and I asked Captain Jones to take
11 up with the Director of Marine Services the possibility
12 of getting cooperation from the Tele-communications
13 Branch so that we could use the radio system at Sarnia
14 to get ETA's of ships coming down through the
15 Mackinaw Straits and coming down from Detour. We
16 had very good cooperation from the Tele-communications
17 Branch in that regard.

18 I returned to Montreal and submitted
19 my report, a copy of which has been tabled.

20 Q. One question in connection with the
21 transfer of pilots: Where did you recommend that the
22 transfer be made at the upper end?

23 A. The difficulty, of course, at Sarnia
24 was that there is a terrific current, several knots
25 current -- and it would not be possible to make the
26 transfer close to Sarnia. So the only possible place
27 it could be made is outside the Port Huron, or in the
28 vicinity of the Port Huron light ship, which was about
29 four miles out.

30 Q. Was that the arrangement you concluded



1 with Mr. Purdy?

2 A. That was the arrangement I concluded
3 with Mr. Purdy.

4 Q. Is the transfer still today being
5 made at the same place?

6 A. It is.

7 Q. It has been made ever since at that
8 particular location?

9 A. That is right, yes.

10 MR. LALONDE: While we are on this,
11 is it not a fact that this light ship ---

12 THE WITNESS: The Port Huron light
13 ship?

14 MR. LALONDE: Has in fact been moved
15 three miles further out and that in effect the change
16 of place is not the same as it was in 1958/1959?

17 THE WITNESS: In 1958 the transfer
18 of pilots was about four miles outside the entrance
19 to Sarnia. I understand that it is still done about
20 four to five miles outside the entrance to Sarnia.

21 MR. BRISSET: They moved the lighthouse
22 since.

23 MR. LALONDE: I understand it is seven
24 miles.

25 THE WITNESS: That may be so.

26 MR. LALONDE: We could go and measure
27 it.

28 THE WITNESS: That may be so. However,
29 that was satisfactory as far as I was concerned. The
30 principle worked in any event, Mr. Lalonde.



1 MR. BRISSET: Q. Now was this system
2 put into effect right away after your return from your
3 trip?

4 A. Yes. It was given effect immediately
5 after it was approved by a general meeting of the
6 Federation.

7 Q I refer you to page 16 of your brief
8 in which you quote a telegram from Captain J. M.
9 Andrews, President of the Great Lakes Pilots Association
10 of Canada. It reads: "Any foreign vessel proceeding
11 above Kingston without a pilot will be jeopardizing the
12 safety of navigation on the Great Lakes and we will
13 take any action necessary to prevent it."

14 I would like you to file the original
15 of this telegram as Exhibit 1227.

16 ---EXHIBIT NO. 1227: Original of telegram dated
17 April 16th, 1958 from Captain J.
18 M. Andrews.

19 Q. Now upon receipt of this telegram
20 what action did you take in order to obtain pilotage
21 material to serve the ships that needed pilots within
22 the pilotage area you had then created?

23 A. Are you referring to a succession of
24 telegrams that was commenced then?

25 Q. Yes. Would you explain how you went
26 along to get the pilots that you required? What was
27 your first step?

28 A. Well, my first step was to send a
29 telegram out to all the Sailing Masters that were
30 eligible for employment in the new pilotage set-up.



1 Q. How did you determine which ones were
2 eligible? Would you explain the process which you
3 followed then to the Commission?

4 A. Yes. As a matter of fact I am referring
5 now to a document which has already been filed, Mr.
6 Brisset -- Sailing Masters' Dispatching Service, 1957 --
7 a list of all the Sailing Masters which Mrs. Crawford
8 and Mr. Crawford referred to in their testimony.

9 Q. Which is Exhibit 1079?

10 A. Yes, and with that a copy of a work
11 sheet that I had passed over to the Crawfords for
12 their information.

13 Q. But you had the original in your file?

14 A. My original was in my personal file.

15 Q. Now I take it that the list contained
16 50 names, and I would like to know how you proceeded
17 to determine those who were eligible and how many of
18 those of the original 50 were sent telegrams as being
19 eligible pilots?

20 A. Well, in the Sailing Masters' system,
21 as was already explained, there were quite a number of
22 over-aged pilots -- over 65. I think we had decided
23 that any pilot over 60 should not be put on the
24 permanent list. So it developed -- perhaps we should
25 approach it from this angle -- that we had three U.S.
26 Sailing Masters of this total list of 50. We had 15
27 pilots that were over 60 years of age. That is 18.
28 Eighteen from 50 makes 32.

29 There were telegrams sent out, the
30 first telegram on April 16th, 1958, to all the 32. I



1 think there are 32 there.

2 Q. Actually, Captain Matheson, if I
3 may interrupt you, a telegram was sent to 33. I do
4 not know how you worked it out, but it is 33 instead
5 of 32.

6 MR. LALONDE: Your brief says 31.

7 MR. BRISSET: Yes. I can see I am
8 mistaken. I have the telegram here, My Lord, which
9 I would like to file as Exhibit 1228.

10 I might explain to the Commission
11 the reason for the error in the brief at page 16. When
12 the brief was drafted we could not locate Captain
13 Matheson's personal file in which all this was
14 contained and we tried to reconstruct the matter. But
15 we were wrong in our figures. Actually 33 telegrams
16 were sent out instead of 31.

17 I think, My Lord, if we simply filed
18 one telegram with a list of the names it would be
19 sufficient instead of the 33 telegrams, which would
20 take a lot of space. Is that agreeable?

21 THE CHAIRMAN: So you will do this.

22 MR. BRISSET: Yes. Therefore Exhibit
23 1228 is a copy of the telegram sent to 33 former
24 Sailing Masters and a list of these 33 names.

25 COMMISSIONER RENWICK: Date, please?

26 THE SECRETARY: April 16th.

27
28 ---EXHIBIT NO. 1228: Copy of telegram sent to 33 former
29 Sailing Masters by the Shipping
Federation, dated April 16, 1958.

30 MR. LANGLOIS: And you are amending



1 your third paragraph on page 16 to read ---

2 MR. BRISSET: Thirty-three instead of
3 31.

4 MR. LANGLOIS: Would that change the
5 other figure? You have 19. You said: "The remaining
6 19". That would mean the remaining 17?

7 MR. BRISSET: Of the remaining 17 one
8 had died, 10 were over-age. I do not know whether my
9 mathematics were right here. I think I had better let
10 Captain Matheson explain what happened to the 17 other
11 ones.

12 THE WITNESS: There were 15 over-age.
13 There were 3 U.S. pilots and as far as I can recall
14 one of these 3 U.S. pilots was Fleming, who had
15 been a previous Sailing Master for a number of years
16 and he also had a telegram.

17 Q. Even though he was an American?

18 A. Yes. Maybe that was the answer.

19 Q. At all events, one thing is clear;
20 the telegram was sent to 33 out of the 50?

21 A. Yes.

22 Q. And of the balance of 17 at least 15
23 were over-age -- right?

24 A. Yes.

25 Q. And there were three Americans?

26 MR. LALONDE: Overage is over 60; is
27 that it?

28 MR. BRISSET: Q. Is it 60 or 65?

29 A. Sixty.

30 MR. LALONDE: Sixty?



1 MR. LANGLOIS: That is another
2 correction?

3 THE WITNESS: Did I say 65?

4 MR. LANGLOIS: You have 65 in the
5 brief.

6 THE WITNESS: Oh, I see.

7 MR. LALONDE: You have ten over 65
8 in the brief, so it would be 15 over 60; that was
9 your criterion?

10 THE WITNESS: Yes. I am quoting now
11 from my actual private work book.

12 MR. BRISSET: Q. Out of the 15 who
13 were over 60 years of age how many were over 65? Can
14 you tell us quickly by going over your list?

15 A. I do not know if I can tell you
16 quickly -- 12, of which one is actually 65.

17 Q. So 12 were over 65?

18 A. Over 65.

19 MR. LALONDE: It would be 11.

20 MR. BRISSET: Q. Twelve are over 65.
21 One was 65 and two were over 60 but not over 65?

22 A. That is right.

23 Q. Have we got it right?

24 A. That is correct.

25 Q. Now I understand that two were accepted
26 eventually even though overage. Were they between 60
27 and 65; can you say?

28 A. Yes. We would not have taken anyone
29 over 65.

30 Q. You would not have taken anyone over 65



1 but you eventually took in two that were between 60
2 and 65?

3 A. That is right.

4 Q. Now I would ask you to file as
5 Exhibit 1229 a further telegram dated April 18th, 1958
6 addressed this time to 32 out of the 33 to whom
7 telegrams were sent previously. The one to whom a
8 telegram was not sent at the time was which pilot?

9 A. Captain Welland, I believe.

10 Q. Why?

11 A. Because he had accepted employment.

12 Q. He was the first one to accept employ-
13 ment?

14 A. He was the first one of the old
15 Sailing Masters.

16 Q. Upon receipt of your telegram of
17 the 16th?

18 A. Of the 16th.

19 ---EXHIBIT NO. 1229: Telegram dated April 18th, 1958 to
20 thirty-two pilots.

21 Q. This telegram on April 18th, if I
22 may quote, Captain, you state:

23 "We would prefer give priority consideration
24 to men who have served in past as Sailing Masters but
25 you must appreciate with opening Lakes navigation we
26 cannot delay management other suitable applicants,
27 and so forth."

28 Q. Why were you giving priority to
29 previous Sailing Masters at that time?

30 A. Well, the mere fact that they had served



1 these ships in the capacity of Sailing Masters and
2 were experienced and qualified and we felt very strongly
3 they should certainly get the preference and it was
4 our hope they would accept employment in the new set-up.

5 Q. My Lord, there has been filed a
6 series of telegrams by Captain Stevenson that followed
7 the first telegram and I do not think I need to refer
8 to those again.

9 Now, Captain, how many of these
10 former Sailing Masters did join in early season of
11 1958? Out of the 33 that were asked to join? Well,
12 perhaps, to put it differently, perhaps you could
13 give your story of what happened in order to make up
14 the required number of pilots that you needed?

15 A. It is very difficult to say just what
16 number of pilots came into our service at that time of
17 the old Sailing Masters. Very few of them -- as far
18 as I am concerned too few. Consequently we had to
19 make further arrangements and we advertised for pilots
20 at all the principal lake ports, U.S. and Canadian,
21 and sent telegrams out to individual masters and mates
22 on Canadian lake ships whom we heard may be interested
23 in this new venture and got quite a good response.
24 However, we had a very difficult time during April,
25 May and June in supplying ships with pilots.

26 Many of our pilots were overworked.
27 Those who were on the job were being harassed. Some-
28 times we would get a man. We would have him two or
29 three days and on account of this harassment he would
30 leave us.



1 Some of the American pilots would
2 serve us for two or three days and then they would go
3 back home and this was a very, very difficult period.

4 However, we were able to keep the
5 ships moving without practically any delay to the
6 ships. Quite a number of ships fortunately at that
7 time the crews and masters had experience in the Lakes
8 and when we were satisfied that they had sufficient
9 experience to go up through the Lakes without the local
10 pilotage advice or assistance, then they were permitted
11 to go.

12 Q. Would that include restricted waters?

13 A. That includes restricted waters. Any
14 ship that proceeded past Montreal, if I personally
15 had any doubts about it, that was part of the job of
16 the Supervisor or Dispatcher at Port Weller was to
17 go aboard a ship and investigate the ship and Master
18 and see that he was familiar with the Great Lakes
19 rule of the road, see he had the necessary charts,
20 give him advice as regards following courses and see
21 that he had the necessary pilot boat and if Captain
22 Crawford was satisfied and the Master was willing to
23 proceed on his own, then the ship went without a pilot;
24 until such time as we had sufficient pilots to supply
25 a pilot to all ships. But there were very few delays
26 all through this difficult period.

27 Q. But still the ships would go at
28 times from Port Weller to Sarnia without a pilot at all?

29 A. Oh, frequently -- frequently. Went
30 from Kingston to Chicago without pilots but these ships



1 were thoroughly investigated before they were permitted
2 to do this.

3 Q. Am I right in assuming they were
4 regular traders?

5 A. They were regular traders. Any tramp
6 ship we supplied a pilot.

7 Q. Between Port Weller and Sarnia?

8 A. Yes.

9 Q. On page 10 of your brief at the
10 bottom of the page, the last paragraph, you refer
11 to a statement which was dated April 21st which
12 was given wide publication and a copy of which was
13 furnished to you; which statement relates to Captain
14 Johnson stating that telegrams had been sent by the
15 Shipping Federation to all Sailing Masters inviting
16 them to serve in the new area but all had refused and
17 that the fight was on. I would ask you to file this
18 release as Exhibit 1230.

19 A. Have you got a copy of that there?

20 Q. No, I have not.

21 A. That is one of the things we could not
22 get.

23 MR. BRISSET: My Lord, may we withhold
24 the filing of this Exhibit. There is some confusion
25 at the moment.

26 THE CHAIRMAN: Are you going to leave
27 the quote?

28 MR. BRISSET: I think we should leave
29 the quote. I remember having seen the document when
30 we prepared the brief but we cannot find it at the



1 moment.

2 THE CHAIRMAN: Can you give a
3 description of it?

4 MR. BRISSET: A statement dated
5 April 21st by Captain Rolla R. Johnson, a copy of
6 which was furnished to the Shipping Federation.

7 THE CHAIRMAN: So it will be filed
8 later when you find it?

9 MR. BRISSET: Yes.

10 ---EXHIBIT NO. 1230: A statement by Captain Johnson
11 dated April 21st, 1964. (To be
12 filed).

13 MR. BRISSET: Q. What was the
14 first difficulty that had to be faced by the ships
15 following this release by Captain Johnson?

16 A. Are you referring to the harassment
17 of the ships in the Welland Canal?

18 Q. Well, if that was the first thing.

19 A. Yes.

20 Q. Was there anything else before that?
21 Was there any picketing done?

22 A. Oh, yes, there was picketing done in
23 the American ports.

24 Q. Was there any picketing done at
25 Kingston?

26 A. Yes.

27 Q. What happened at Kingston as a result
28 of the picketing?

29 A. As a result of the picketing the
30 Montreal - Kingston pilots refused to board ships at



1 Kingston.

2 Q. I think you have already dealt with
3 this in Montreal when the story of the St. Lawrence -
4 Kingston difficulties were related to this Court?

5 A. That is right.

6 Q. But one question I wanted to ask you:
7 Did you go to Kingston yourself at the time?

8 A. Yes, I did.

9 Q. Did you personally see the pickets;
10 the Sailing Masters picketing?

11 A. Yes, I did. I just can't remember the
12 date now but I arrived in Kingston in the evening and
13 was informed by the Department of Transport official
14 in Kingston that pickets were still at the gate
15 entrance to the wharf where the pilot boat was laying.
16 So I just went down about eleven o'clock. I took a
17 taxi and went down and saw two Sailing Masters walking
18 up and down in front of the gate with picket signs.
19 There was a big placard at the side of the gate with
20 "Sailing Masters On Strike"; so I got out of the
21 taxi, and getting out of the taxi these two individuals
22 dropped their picket placards and disappeared.

23 I went down to the pilot boat and
24 had a discussion with Captain Duggan, who was on the
25 pilot boat and came back. The pickets had disappeared.
26 I hung around for a bit and then I spotted one of them,
27 whom I knew. It was dark, of course. I called him
28 by name. I forget who the other one was.

29 Q. You do not have to give names. Anyway,
30 did you have a discussion with him?



1 A. I did, a very serious discussion
2 and I returned to Montreal the next day. Soon after
3 we got an injunction to stop the picketing.

4 Q. That was the picketing at Kingston
5 you are referring to?

6 A. That was the picketing at Kingston.

7 Q. What about the picketing at the
8 American ports? Was there any done and in what ports?

9 A. There was picketing in most of the
10 American ports but it was ineffective because by this
11 time the Longshoremen had begun to get tired of
12 being asked to go on strike continually by this
13 individual, Captain Rolla Johnson, and they started
14 to ignore him so his pickets that were to be put in
15 American ports were not effective. However, if we
16 had tried to stop this picketing by injunction, it
17 would have been practically impossible in the States
18 on account of the State law.

19 Q. However, was there any action taken
20 to your knowledge by the National Labour Relations
21 Board at the time?

22 A. Yes.

23 Q. Was any action taken directly by the
24 shipping interests?

25 A. No.

26 Q. Or by the shipping industry?

27 A. No, it wasn't necessary.

28 MR. BRISSET: My Lord, I have already
29 filed as Exhibit No. 10 a copy of the judgment of
30 Mr. Justice McRuer, with the main brief of the Shipping



1 Federation of Canada granting the injunction and stating
2 the reasons why the injunction was granted. I do
3 not need to go over this again.

4 MR. BRISSET: Q. Now, while the
5 organization of the Port Weller - Sarnia pilotage
6 area was being made, the matter of the U.S. legislation
7 was still pending, was it not?

8 A. That is correct.

9 Q. You referred to a meeting held in
10 Ottawa on March the 26th between the Shipping
11 Federation and the Deputy Minister of Transport. I
12 take it that the minutes which have been filed as
13 Exhibit 1222 of this meeting cover what is stated
14 in page 18 of your brief?

15 A. That is so.

16 Q. In other words it was at that time
17 that you were informed that an aide memoire was being
18 sent by the Canadian Government to the U.S. authorities
19 although you were not given the text of what was said
20 at the time?

21 A. That is correct.

22 Q. Now, Captain, with the Sailing Masters
23 causing difficulty in regard to the institution of the
24 system, was there any approach made to you by the
25 Department of Transport to try and solve your
26 differences at about that time?

27 A. Yes, there were approaches made by the
28 Department of Transport and I think the Department of
29 Transport called upon the Dominion Marine Association
30 to try and conciliate the situation.



1 Q. Was this done by correspondence or
2 by interviews with you?

3 A. As far as the Department was concerned
4 it was done by interviews and there is a letter from
5 Mr. Mahoney, offering to mediate the differences.

6 Q. What was the proposal made to you
7 verbally by the Department at the time with respect
8 to the Sailing Masters' situation. If I may be
9 suggestive, was there any suggestion made to you they
10 would go back to the old system of the Sailing Masters
11 from Kingston to Kingston?

12 A. I just don't recall now what the
13 representations were of the Department. I do recall
14 that they wanted definitely to mediate it and that
15 the difficulties were to be resolved. It didn't
16 matter whether it meant going back to the old Sailing
17 Masters' system or not. All they were concerned about
18 was that this difficulty be resolved.

19 Q. Now, on page 19, at the top of page
20 19 you state that you felt it necessary to restate
21 the position of the Shipping Federation on the whole
22 subject in a letter to the Deputy Minister of
23 Transport which letter is dated April 21st, 1958. I
24 would like to file this letter as Exhibit 1231. Will
25 you give me the gist of what the position that you
26 wanted to restate was?

27 A. Well --

28 Q. In other words, what did you have in
29 mind? What were you after?

30 A. In the first instance we were after



1 pilotage where it was necessary. We didn't think that
2 safety was a problem in this connection. We felt,
3 however, that to facilitate movements of the ships
4 it was necessary to have pilots where pilots were
5 required in designated areas.

6 EXHIBIT NO. 1231: A letter from the Shipping Federation
7 to the Deputy Minister of Transport
8 dated April 21, 1958.

9 Q. I refer you to this letter of April
10 21st, 1958, Exhibit 1231, and I quote to you your
11 first paragraph which reads:

12 "With reference to recent telephone conver-
13 sations with yourself and officials of your Department
14 on the subject of Sailing Masters and pilotage on the
15 Great Lakes, I regret to say that the members of
16 this Federation are greatly concerned about the
17 present apparent attitude of your Department towards
18 this matter."

19 Well, what was the reason for your
20 concern? Was there a change in the attitude of the
21 Department or not?

22 A. Well, we were concerned that the
23 Department would not take the pilotage over.

24 Q. Had they approved before of your
25 setting up this Port Weller - Sarnia District?

26 A. Yes, they had.

27 Q. Were they still approving at that
28 time what you had done?

29 A. Well, they had a change of heart, of
30 course, when we ran into difficulties with the Sailing



1 Q. How did this change of heart manifest
2 itself?

3 A. Only they wanted to mediate the
4 situation where we had authority and we felt it was
5 our right from a managerial standpoint to put into
6 effect this system of pilotage.

7 Q. Now, on page 2 of this letter you
8 state this:

9 "We have proceeded on this basis, that is
10 the setting up of the Port Weller - Sarnia District
11 of pilotage -- and we must say we are most appreciative
12 of the assistance and cooperation rendered by your
13 Department in this regard. It has just recently
14 been intimated that your Department neither approved
15 nor disapproved of this new District. This is something
16 we fail to apprehend."

17 What was the trouble? Would you
18 explain to us?

19 A. Well, as far as I can recall, the
20 trouble was the Department would not take a decision
21 one way or another.

22 Q. In what respect?

23 A. In respect to taking over the District.

24 Q. What about letting you run the District?
25 Were they still opposed to it or were they still
26 favouring that?

27 A. They had a change of heart then.

28 Q. In what way?

29 A. I think they would not fully support
30 us running this District. The impression I got, as far



1 as I can recall, without reading this, is that the
2 Department was a bit embarrassed.

3 Q. You mentioned that the Dominion Marine
4 Association offered its service to mediate this
5 dispute. I would like you to refer to a letter dated
6 April 23rd addressed to you by Mr. John J. Mahoney,
7 as Manager of the Dominion Marine Association, addressed,
8 as I say, to you personally. I would like to file
9 this letter as Exhibit 1232. What was the reaction
10 of your Federation in the light of this letter;
11 especially in the light of this suggestion, which
12 I quote:

13 "We would also suggest that the Sailing
14 Masters would probably be willing to carry on at the
15 same rate as last year pending the government's
16 announcement of its intention to hold an inquiry
17 or such inquiry --" and so forth.

18 A. We didn't feel there was any reason
19 why we should modify the position that we had taken.

20 Q. In other words, you stuck to your
21 ground that you had created a new pilotage set-up
22 that was already working and you wouldn't change your
23 organization?

24 A. Exactly. I may state, My Lord, at
25 this time we had considerable difficulties and we had
26 absolutely no friends in the Great Lakes. We had no
27 friends as far as the Dominion Marine Association was
28 concerned; as far as the Department was concerned,
29 particularly as far as the Lake Carriers and Coast
30 Guard; some of the other government Departments. It



1 was an extremely difficult period at that time.

2 Q. Nevertheless, you refused the offers
3 of mediation and proceeded on with what you had
4 already established?

5 A. Yes.

6 Q. Captain, on page 19 --

7 MR. LALONDE: I don't want to object
8 to my friend's question. I know he wants to speed
9 up things, but one of the last leading questions he
10 asked I should register a protest when he says: "In
11 other words, you had a system that worked well and
12 you wanted to carry on and refused the offer of
13 mediation". This letter is April 23 and the telegrams,
14 I understand, were April 16th, and I don't think seven
15 days after the first telegram there was such a
16 wonderful operation working.

17 MR. BRISSET: I said it worked well.
18 If I did, I made a mistake. That could work well.

19 Q. Captain, on page 19 of your brief
20 you refer to an ultimatum from Captain Rolla Johnson.

21 A. Page what?

22 Q. Page 19, paragraph 3. Would you tell
23 us in what form this came and if you have the document
24 to support it please produce it.

25 MR. BRISSET: My Lord, I would like
26 to file as Exhibit 1233 an excerpt from Cleveland
27 Press, dated April 24, 1959, from which I will quote:

28 "Johnson served an ultimatum today that the
29 Union's demand will be sharply increased unless the
30 issue is settled by May 1st. 'Now, we are asking only



1 one pilot to be placed aboard each ship', Johnson
2 said; 'unless this thing is settled by the 1st of the
3 month', he added, 'we may demand two pilots on each
4 ship, one Canadian and one American, and increase the
5 fee for each to \$75.00.'"

6 MR. BRISSET: I concede that this
7 document is perhaps not the best evidence, but we
8 at this time are unable to find the document to the
9 same effect that was received from Mr. Johnson.
10 Perhaps Captain Matheson, relying on his recollection,
11 will tell us whether he did receive such an ultimatum
12 or not.

13 THE CHAIRMAN: Do we understand
14 Mr. Johnson is going to be here next Monday?

15 MR. BRISSET: Yes.

16 THE CHAIRMAN: It would be a good
17 question for him.

18 MR. LANGLOIS: He would have to be
19 Mr. Brisset's witness.

20 THE CHAIRMAN: Let's call him a
21 Commission witness under certain reservations.

22 ---EXHIBIT NO. 1232: Letter dated April 23rd,
23 addressed to Mr. Matheson.

24 ---EXHIBIT NO. 1233: Excerpt from Cleveland Press,
25 dated April 24, 1959.
26
27
28
29
30



1 ---UPON RESUMING

2 MR. BRISSET: My Lord, I had undertaken
3 to file as Exhibit 1230 the statement issued by
4 Captain Rolla Johnson on April 21st referred to at
5 page 16 of our brief. We have now the document and
6 I would like to quote from it.

7 "We now have seen one of the toughest
8 battles since the start of our organization. The
9 Shipping Federation of Canada, representatives of the
10 foreign flag vessel operators, with the aid of some
11 of the officials in the Nautical Division of the
12 Department of Transport ... This is a lockout.
13 These foreign vessels are entering the Great Lakes
14 without any pilots, having refused to take them.

15 "In our recent meeting with the Shipping
16 Federation they proposed that we cut the Pilotage
17 District down to include only Port Weller to Sarnia.
18 It has been stated by the Canadian government
19 officials in the Department of Transport that in
20 two years pilotage on the Great Lakes and the St.
21 Lawrence will be unnecessary.

22 "Our own American and Canadian vessels
23 are required to carry three pilots. This certainly is
24 discrimination against our own American and Canadian
25 shipping companies.

26 "The proposal on the restricted Pilotage
27 District has been turned down at a general meeting
28 of the Pilots' Association. In reply to our letter
29 rejecting this offer the Shipping Federation sent
30 a telegram stating they had no counter proposals to



1 make and sent individual telegrams to all the pilots
2 to accept their proposal individually and that their
3 acceptance would be held in the strictest of confidence.

4 "If the meeting with the Ministry of
5 Transport is unsuccessful immediate action will be
6 taken against all foreign vessels without pilots" --
7 and so forth.

8 "The future of our shipping is at stake
9 and we must take economic action to protect our
10 pilotage and eliminate the dangers to the safety of
11 our navigation." -- and so forth.

12 My Lord, as Exhibit 1233 I have
13 filed an extract from the Cleveland Press giving
14 the ultimatum of Captain Johnson and I have a telegram
15 addressed by him and by Mr. Captain J. M. Andrews,
16 International Organization of Masters, Mates and
17 Pilots to Captain Matheson, more or less repeating
18 the same ultimatum -- that if the companies did not
19 come to terms the pilotage fee would be \$75.00 per
20 day.

21 THE CHAIRMAN: So you add the
22 telegram to the extract of the Cleveland Press?

23 MR. BRISSET: Yes.

24 THE CHAIRMAN: In a bundle under
25 No. 1233?

26 MR. BRISSET: 1233.

27 ---ADDITION TO EXHIBIT 1233: Telegram from Captain
28 Johnson and Captain J. M.
29 Andrews to Captain Matheson.

30 MR. LALONDE: I thought it was 1230.



1 THE CHAIRMAN: Excuse me; 1233 is
2 the extract from the Cleveland Press to which is
3 attached a telegram in a bundle.

4 MR. BRISSET: Captain, I now come
5 to page 19 of your brief where you refer to the
6 request made by the Great Lakes Pilotage Association
7 to the Minister of Labour to appoint a conciliation
8 officer to mediate the dispute -- that is, the
9 alleged dispute between your members and the members
10 of the Great Lakes Pilots' Association. I would
11 like you to file as Exhibit 1234 a copy of a letter
12 addressed by Captain Andrews to the Minister of Labour,
13 the Honourable Michael Starr dated May 1st, 1958
14 in connection with this request for mediation.

15 What was the action taken by the
16 Shipping Federation on the request of Captain Andrews
17 to have a conciliation officer appointed by the
18 Minister?

19 A. We declined the offer of the Department
20 of Labour.

21
22 ---EXHIBIT NO. 1234: Copy of letter dated May 1st,
23 1958 from Captain Andrews to the
Minister of Labour.

24 Q. At page 19 of your brief in the
25 same paragraph you refer to cables sent by the Great
26 Lakes Pilots' Association to a number of ship lines
27 in Europe informing them that Captain Andrews and
28 Captain Johnson were prepared to furnish Lake pilots
29 to all vessels. In other words, they were prepared
30 to organize their own pilotage service. How did that



1 come to your knowledge?

2 A. That came to my knowledge through the
3 company's representatives in Montreal. The company
4 in Manchester sent a copy of the letter to the
5 representative in Montreal and it was furnished by
6 the company for the attention of the Federation.

7 Q. Was there any action taken by the
8 Shipping Federation in the light of this offer made
9 by Captain Johnson and Captain Andrews?

10 A. No, no action taken by the Federation.

11 Q. Were any of these pilots to your
12 knowledge used by your members?

13 A. No, definitely not.

14 Q. I see from page 20 of your brief
15 that there was another offer of mediation, this time
16 addressed to the Mayor of Chicago. Would you give
17 us the story on this briefly, as far as you recall?

18 A. As far as I can recall the Masters,
19 Mates and Pilots and the Great Lakes Pilots'
20 Association appealed to the Mayor of Chicago -- which
21 was an important port in the Great Lakes -- and the
22 Mayor of Chicago decided to send a representative
23 to Montreal in the hopes of mediating this difficulty.
24 I think it was a Captain Manley that came to Montreal.

25 As far as I can recall we refused to
26 meet or discuss our difficulties -- this problem --
27 with Captain Manley, but we did meet Captain Rolla
28 Johnson and representatives of the Great Lakes Pilots'
29 Association. The situation was that the discussion
30 between the Federation, Captain Johnson and Captain



1 Andrews was conveyed by Johnson to Captain Manley,
2 who stayed in a hotel. He did not come down to
3 the Federation.

4 Q. In other words, you had a meeting
5 with the actual participants in the affair but Mr.
6 Manley did not attend this meeting, but was given
7 a report in his hotel room in Montreal?

8 A. That is correct.

9 Q. Did anything come out of this meeting?

10 A. Not as far as we were concerned.

11 Q. Was there any picketing going on
12 at that time still -- that was the beginning of May?

13 A. Oh, yes.

14 Q. If that is so, what attitude did
15 you take in your discussions with Captain Andrews
16 and Captain Johnson in the light of these picketing
17 activities still going on?

18 A. That the position we took was that
19 the picketing was quite illegal and that they should
20 resolve to accept employment with the new pilotage
21 organization.

22 Q. Were you given any indication at the
23 time that the Great Lakes Pilots' Association was
24 prepared to stop its picketing activities in order
25 to enter into negotiations with you on the set-up of
26 the Port Weller/Sarnia District?

27 A. No. It was our desire that that
28 would develop but it never did develop.

29 Q. I beg your pardon?

30 A. It was our desire that we could have



1 discussions with cooperation from the Great Lakes
2 Pilots' Association in setting up this new Pilotage
3 District.

4 Q. What about the picketing? Did they
5 offer to stop the picketing for these discussions
6 or did they pursue in their line of conduct?

7 A. They pursued. They were quite
8 uncooperative, as a matter of fact.

9 Q. So the negotiations ---

10 A. Fell through.

11 Q. At page 20 of your brief you refer
12 to a demand by Captain Andrews to the effect that
13 the fee to be paid to the pilots to be put on board
14 ocean ships would be eventually \$100.00 a day. Where
15 had you obtained this information? When was that
16 first mentioned?

17 A. That was mentioned at one of our
18 meetings in the Federation and it was subsequently
19 confirmed before the Senate here.

20 Q. Who was Captain J. M. Andrews?

21 A. He was the President of the Great
22 Lakes Pilots' Association.

23 Q. And were his demands in line with
24 those of Mr. Johnson? In other words, were they
25 working together or were they approaching you
26 separately -- or how was it done?

27 A. No. They were working very closely
28 together.

29 MR. LALONDE: My friend has taken time
30 in reading some statement. I beg this opportunity to



1 read in this connection what Captain Andrews said.

2 I quote from a document filed by my friend as
3 Exhibit 1103, -- hearings in the United States
4 on the Great Lakes Pilotage Bill, HR 57, page 143.

5 There is a quotation of the hearings before the
6 Transport Committee of the Senate of Canada:

7 "THE CHAIRMAN: Captain Andrews, have you
8 anything to say to the committee after
9 hearing the evidence this afternoon?

10 CAPTAIN ANDREWS: Mr. Chairman, there is
11 very little I have to say at the present
12 time except that I wish to point out that
13 Mr. Brisset used a lot of figures which were
14 made only for negotiation purposes, and I
15 think you gentlemen understand that when you
16 go into negotiations you naturally go very
17 high.

18 THE CHAIRMAN: In other words, when you ask
19 for \$100.00 a day you do not expect to get
20 \$100.00 a day?

21 CAPTAIN ANDREWS: No. Certainly not.

22 SENATOR WALL: In all deference, what is
23 the purpose in negotiations in asking for
24 a totally unrealistic figure from the point
25 of view of end result?

26 CAPTAIN ANDREWS: Well, management starts at
27 the very bottom, and you work from the top.
28 You work out to the happy medium, if you
29 get me.

30 THE CHAIRMAN: I think Captain Andrews is



1 under the disadvantage that this \$100.00 was
2 suggested from the United States.

3 CAPTAIN ANDREWS: Yes.

4 THE CHAIRMAN: And you had more or less to
5 go along?

6 CAPTAIN ANDREWS: Well, we did go along."

7 MR. BRISSET: Q. Actually, Captain,
8 at the time of these negotiations or discussions with
9 the Great Lakes Pilots' Association in the spring of
10 1958 when you decided to set up the Port Weller/Sarnia
11 District had you any clear indication of exactly what
12 the Sailing Masters wanted?

13 A. No. That was very difficult to get.

14 Q. How many pilots they wanted on board
15 each ship and how much money for each pilot?

16 A. That was very difficult to get. We
17 were faced with a situation where an advisor to the
18 Great Lakes Pilots' Association seemed to be bent
19 on disrupting ocean shipping in the Great Lakes. It
20 was something that I could never understand -- why
21 the Canadian pilots should go along with the Masters,
22 Mates and Pilots in this regard -- because it was not
23 only different from ocean shipping and had a possibility
24 of stopping ocean shipping coming into the Lakes, but
25 it was going to do the Canadian pilots out of jobs.
26 I could never understand why the Canadian pilots went
27 along with the Masters, Mates and Pilots.

28 Q. In other words to speak about the
29 confusion, at times you were told that two pilots
30 would be required, three pilots would be required, one



1 pilot, \$75.00 a day, \$100.00 a day?

2 A. It was quite impossible to nail
3 anything specific down -- very, very difficult, if
4 not impossible.

5 Q. However, am I right in stating that
6 one thing that was insisted upon was that pilots
7 should be carried all through the voyage on the
8 Lakes?

9 A. Yes.

10 Q. And not only in restricted waters?

11 A. That was the only clear proposal
12 that was put up, a definite proposal.

13 THE CHAIRMAN: In other words, it
14 was the old concept of Sailing Masters being carried
15 out and not strictly pilotage?

16 THE WITNESS: Correct.

17 MR. BRISSET: Q. That was the main
18 cleavage between the two sides?

19 A. Yes.

20 Q. You wanted pilotage?

21 A. Where pilotage was necessary in
22 what could be considered restricted areas. For
23 obvious reasons we wanted to put this principle
24 into effect because we were faced then with a training
25 programme for these men. It would take years to
26 train a man to know the whole entire Lakes and all
27 the ports in the Lakes. What we were interested in
28 was getting qualified and experienced pilots in the
29 areas of the Great Lakes where pilots were necessary.

30 Q. Now the statistics that have been



1 filed at the beginning of this hearing today say that
2 in the year 1959 you had vessels making 1,027 round
3 voyages up the Lakes, which means actually 2,054
4 transits?

5 A. Yes.

6 Q. If you had had to put a pilot on
7 board each of these ships all through their voyage
8 through the Lakes, where would you have found your
9 material, Captain?

10 A. I do not know. It would cause
11 considerable inefficiency in that we could not
12 possibly have competent men and experienced men
13 where pilots were necessary. It would represent a
14 terrific wastage of pilotage material and we just
15 could not have that.

16 Q. Is that what you were foreseeing
17 when you were working on this project of pilotage
18 in restricted waters where you thought it was
19 necessary only?

20 A. Definitely so.

21 Q. Now, Captain, you stated at page 21
22 that during all this period of difficulties and
23 offers on many sides for mediation you kept sending
24 telegrams to former Sailing Masters. I believe these
25 telegrams have already been filed by Captain Stevenson?

26 A. Yes.

27 Q. I want to go back on one point,
28 Captain Matheson. The topic perhaps has already
29 been covered by Captain Crawford in his evidence, but
30 I would like you to develop a little bit how you



1 managed eventually to build up your pilotage material
2 for the Port Weller/Sarnia District in the beginning
3 of 1958. You have explained that some of the former
4 Sailing Masters did finally join the roster but then
5 you had to get pilots elsewhere. What did you do?

6 A. Well, on May 7th we were fortunate
7 in getting six of the original Sailing Masters and
8 we had four or five good competent men that had not
9 had experience as Sailing Masters but were Masters
10 of ships on the Lakes.

11 However, we required more pilots
12 and we advertised in the Canadian ports in Canadian
13 Great Lakes and also in the American ports for men.

14 Q. I would like you to refer to the
15 notice that was published in the various newspapers
16 at the time seeking pilots' applications and I would
17 like you to file this document as Exhibit 1235.

18 Now, was the same application
19 published in both Canadian and American papers?

20 A. Exactly.

21 ---EXHIBIT NO. 1235: Newspaper publications seeking
22 pilots for Great Lakes operations.

23 Q. What kind of response did you get to
24 those advertisements? Did you get responses from both
25 the States and Canada?

26 A. Yes. We were able to pick up a number
27 of pilots, five or six pilots from the States and a
28 number of pilots from Canada also that had not been
29 Sailing Masters, until such time as we got the necessary
30



1 number of pilots that were required to operate the
2 District satisfactorily and supply all ships with
3 pilots.

4 Q. As regards the American pilots,
5 did you meet with any difficulties at the time with
6 the Immigration Department?

7 A. Yes. Immediately we started
8 employing American pilots, our Canadian Immigration
9 caused us considerable difficulties in that these
10 pilots were in trouble as soon as they landed on
11 Canadian soil. However, we kept employing American
12 pilots but it made for us a little bit of difficulty
13 as far as dispatching was concerned, because we
14 employed American pilots merely between American
15 ports.

16 We ran into serious difficulty
17 with the Canadian Immigration authorities and we
18 made very, very strong representations to the
19 Deputy Minister of Immigration and pointed out to
20 him that for years American pilots were allowed to
21 act as Sailing Masters and land in Canadian soil
22 without difficulty. We felt that the same situation
23 should continue now. However, the Immigration Depart-
24 ment forbid this employment of American pilots -- not
25 employment, but they would not permit them to land
26 on Canadian soil. If they did then they had to be
27 sent immediately back to the United States.

28 Q. This decision of the Immigration
29 Department, I take it, was recorded in a letter
30 addressed to you by Mr. Laval Fortier dated May 8th,



1 1958. I would like you to file this letter as
2 Exhibit 1236.

3 THE SECRETARY: May I have a description
4 of the letter?

5 MR. BRISSET: A letter dated May 8th,
6 1958 from Laval Fortier of the Citizenship and
7 Immigration Department addressed to Captain Matheson
8 refusing employment of U.S. Great Lakes pilots or
9 at least refusing their entry into Canada.

10 ---EXHIBIT NO. 1236: Letter dated May 8th 1958 from
11 Laval Fortier to Captain Matheson,
12 above referred to.

13 MR. BRISSET: The letter, My Lord,
14 read partly as follows:

15 "The position of this Department on the
16 question is that under the Immigration Act non-
17 immigrants may not be admitted to work unless in a job
18 for which there are no residents of Canada available
19 and in this particular instance Canadian residents
20 are available to act as pilots on the Great Lakes
21 system, including the restricted areas."

22 Was that so in fact?

23 A. Yes. As a matter of fact I should
24 mention, My Lord, that we were able to continue
25 employing one American pilot who had a work permit
26 prior to him joining the Port Weller - Sarnia District
27 as a pilot. He had a Canadian work permit. We were
28 able to continue employing this American pilot and
29 we advised the other American pilots to contact this
30 particular pilot and find out how he got this work



1 permit so they could get a permit also to continue
2 serving in the District as pilots.

3 Q. With the Sailing Masters, or a
4 great majority of them, refusing to join the roster,
5 did you in fact have enough Canadian pilots applying
6 for jobs to warrant this refusal of the employment
7 of American pilots at the time?

8 A. No, definitely not. There was a
9 great reluctance on the Masters and mates and
10 qualified Canadian men to join the service on account
11 of the difficulty and the publicity that the
12 situation received and particularly the harassment
13 of ships and pilots going through the Welland Canal.

14 These officers were on lake ships.
15 While they were most interested in getting into what
16 was evident to them at that time was an established
17 pilotage system, they were reluctant to leave
18 their vessels or even those that were unemployed
19 were reluctant to join this service on account of
20 the conditions that prevailed at the time.

21 Q. Now, Captain, you have spoken of the
22 harassment to which the pilots were subjected particu-
23 larly along the Welland Canal. Do you know of this
24 personally or was that reported to you or how did
25 you learn about this?

26 A. It was reported to me daily and this
27 function of operating this Pilotage District, my day
28 started at about five o'clock in the morning and
29 finished at eleven thirty at night when there were
30 no more phone calls until the following morning.



1 But, many of the reports that I got and
2 the numerous reports that I got during the evenings
3 and early mornings were as a result of these activities
4 in the Welland Canal, which caused considerable
5 difficulty, and made the operation of administering
6 pilotage there very difficult indeed. I think it
7 would be appropriate for me to relate one instance --
8 I think it would be appropriate for me to relate
9 one instance here in which I got an urgent call
10 from Captain Crawford to the effect there were
11 pickets outside his house and the situation was
12 getting intolerable. This caused me great concern
13 and of course we got on to our legal advisors
14 to find out what could be done about an injunction.

15 However, in the interval, Mrs.
16 Crawford came up with the answer that was most
17 effective. After her husband called me she got
18 her camera and went out and ---

19 MR. LALONDE: I object.

20 A. (continued) took a photograph of
21 the pickets and well -- I haven't seen these photo-
22 graphs -- I understand that there is one, a photograph
23 of Captain Norman Johnson running away when he saw
24 the camera, but it caught him.

25 At any event there was no more
26 picketing after that.

27 Q. I fancy it was not merely Mrs.
28 Crawford taking photographs but also the Globe and
29 Mail representatives who are not here today, were
30 taking photographs along the Canal bank and I would like



1 you to file as Exhibit 1237 an extract from the Globe
2 and Mail of June 13th, 1958, showing what they call
3 the "hecklers" along the Canal bank.

4 A. This copy here?

5 Q. Yes.

6
7 ---EXHIBIT NO. 1237: Extract from the Globe and Mail
8 of June 13, 1958 showing hecklers
9 along the Canal bank.

10 MR. JACQUES: Would you identify
11 the man holding the megaphone on Exhibit 1237?

12 THE WITNESS: I think I do, but I
13 forget his name.

14 MR. BRISSET: Q. Attached to the
15 same Exhibit, Captain Matheson, I would like you
16 to file a copy of a telegram dated June 19th signed
17 by a number of pilots. I will quote their names.
18 Captain Carson, Captain Summers, Captain Stevens
19 and Captain Green, complaining about these activities.

20 This is going to be filed as part
21 of the same Exhibit 1237, but I simply want to
22 confirm whether these four Captains were members of
23 your roster of pilots, active pilots at that time?

24 A. Yes, they were.

25 Q. Do you know when these activities
26 finally ceased, Captain?

27 A. The exact date?

28 Q. Yes, about when?

29 A. About the middle of May.

30 Q. This is dated the 13th of June. It
could not be.



1 A. The middle of June, I should say.
2 I think shortly after this.

3 Q. Was there any further similar trouble
4 later in the season or was that the complete end of
5 this type of activity?

6 A. We ran into difficulty also at
7 Sarnia.

8 Q. In what respect or in what form,
9 perhaps?

10 A. Where one of our pilots was arrested
11 by the Royal Canadian Mounted Police for not
12 reporting to the Customs after leaving his ship.
13 Now, the pilot had been coming off ships for years
14 but when I said some time ago, My Lord, that we
15 had no friends during this period, this is another
16 instance where the R.C.M.P. arrested one of our
17 pilots.

18 Q. What happened to him? Did he spend
19 the night in jail or was he released?

20 A. He was put in jail and his wife was
21 advised of it and she was very concerned. We put
22 machinery in motion. He was eventually released.

23 Q. Was that machinery put in motion
24 by you or by somebody else?

25 A. By us.

26 Q. From Montreal?

27 A. Yes.

28 THE CHAIRMAN: Was there any previous
29 warning that the tolerance that had been granted
30 before would be abolished?



1 THE WITNESS: No, none whatever, My
2 Lord. It came out of a clear blue sky.

3 MR. BRISSET: Q. Did that lead to
4 correspondence with the authorities in order to
5 solve this particular difficulty?

6 A. It did. There was correspondence.

7 Q. Then everything was smoothed out?

8 A. And then things were smoothed out.

9 Q. Now, had the particular pilot who
10 was arrested at Sarnis breached the Customs regulations
11 or was he accused of having breached the Customs
12 regulations by smuggling liquor or something else?

13 A. No, definitely not.

14 Q. There was nothing in his activity
15 that would have warranted such a move?

16 A. Absolutely none, whatever.

17 Q. Were there other instances that
18 you can recall at Sarnia, if I may be suggestive,
19 with regard to the pilot boat?

20 A. Yes. Of course, we had difficulties
21 in this respect also. There was quite a lot of
22 difficulty. I am just trying to recall. The pilot
23 boat was arrested.

24 Q. By whom and for what reason?

25 A. On account of the pilot not reporting
26 to the Customs.

27

28

29

30



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Matheson, dir.
(Brisset)

17264

1 Q. And what happened following that
2 arrest?

3 A. Well, there was an exchange of corr-
4 espondence with the Immigration and the Department
5 and the Shipping Federation, and my mind is not quite
6 clear on this incident. We had another incident
7 with the pilot boat where the Steamship Inspector
8 demanded improvements in the pilot boat and one
9 instance, I am going from memory now, I had a call from
10 Mr. Purdy that the Steamship Inspector had descended
11 on him and it was practically a new boat, and a diesel
12 engine in her and the Steamship Inspector demanded
13 that the engine be opened up for inspection.

14 A diesel engine is a very intricate piece
15 of machinery and should only be tampered with with
16 people with considerable experience in diesel engines
17 and when Mr. Purdy telephoned me and told me about
18 this I told him on no condition to allow that engine
19 to be opened up by the Steamship Inspector. It was
20 a new boat and a new engine and shouldn't allow it.

21 Q. Was there anything more heard about
22 it after you told him to disregard the Steamship
23 Inspector's request?

24 A. No.

25 MR. LANGLOIS: What was the reason
26 for it to be opened up?

27 THE WITNESS: I don't know, Mr.
28 Langlois, why they should try and obstruct us in
29 running this pilotage district the way we had been.
30 Customs, all departments of the Government.



1 MR. LANGLOIS: Was this engine imported
2 from another country?

3 THE WITNESS: No, just an examination
4 to see if the engine was in perfect order. The safety
5 of the pilots all of a sudden became very, very im-
6 portant to the Department of Transport.

7 MR. LANGLOIS: The fact that the
8 pilot boat broke down a great many times that year?

9 THE WITNESS: There were two pilot
10 boats and this particular pilot boat never broke
11 down. It was running perfectly.

12 MR. JACQUES: For how long?

13 THE WITNESS: Oh, I couldn't say, it
14 was practically a new boat, about eighteen months,
15 I suppose.

16 MR. BRISSET: Q. In fact, had there
17 been any complaints from the pilots on your roster
18 about this boat?

19 A. No complaints from the pilots def-
20 initely.

21 MR. LANGLOIS: My lord, may I suggest
22 that a note be taken of this problem and the question
23 be passed to C. S. I. people in Ottawa in the fall.

24 MR. BRISSET: Q. Now, during this
25 period in connection with your difficulties with
26 the working of the pilotage organization, I understand
27 that Mr. Peter Wright in Toronto was looking after
28 the interests of the Shipping Federation; is that
29 correct?

30 A. Yes.



1 Q. I would like you to file as Exhibit
2 1237 --

3 THE SECRETARY: 1238.

4 MR. BRISSET: 1238, I am sorry. Copy
5 of letter addressed by Mr. Jamieson, who had been con-
6 sulted by Mr. Purdy to your solicitor in Toronto in
7 connection with seizure of the pilot by the Customs
8 Authority, which letter is dated June 18, 1958.

9 ---EXHIBIT NO. 1238:

Letter dated June 18, 1958
addressed by Mr. Jamieson.
in connection with seizure
of the pilot by the Customs
Authority.

10
11
12
13 THE CHAIRMAN: This is the first
14 incident?

15 MR. BRISSET: First incident.

16 THE CHAIRMAN: And later on a second
17 incident?

18 MR. BRISSET: Yes, sir. It explains
19 what happened and the boat was eventually released.

20 THE CHAIRMAN: And was the seizure
21 prior to the request of the Steamship Inspector? Which
22 came first, do you know? Can you situate that as
23 to date, do you recall?

24 MR. BRISSET: I think the seizure
25 came first.

26 THE WITNESS: It seems to me -- I
27 couldn't say. I could check it.

28 THE CHAIRMAN: Could you? If you
29 could give the date of that request and by whom it
30 was made and as much possible detail; because, if you



1 want to pursue that further we must have more inform-
2 ation.

3 MR. BRISSET: Now, during this period
4 which I may call the organizational period, that is
5 May and June of 1958, how were Mr. and Mrs. Crawford
6 doing in the discharge of their functions as Super-
7 visor or Despatchers?

8 A. Most satisfactory.

9 Q. What about their dealings with the
10 pilots?

11 A. There --

12 MR. LALONDE: I object, my lord. We
13 had Mr. and Mrs. Crawford in the box and they said
14 how they loved the pilots and how the pilots loved
15 them and I don't see what this witness can add to
16 that. He was not there.

17 THE CHAIRMAN: Maybe he had adverse
18 reports against them.

19 MR. BRISSET: Q. Who was running
20 pilotage in that district?

21 A. I was running pilotage in the district.
22 And, I had access to the pilots, individual pilots,
23 and know that Captain and Mrs. Crawford were very
24 highly thought of by the pilots.

25 Q. Now, during that period, I am referring
26 to the first two or three months of the spring and
27 summer of 1958, did you have any occasion to take
28 disciplinary measures in respect of pilots in the
29 district from your head office in Montreal?

30 A. Oh, yes, of course.



1 Q. Would you just explain to the Commission
2 how you went about any disciplinary action?

3 A. As far as discipline, we felt that a
4 pilot going out on rotation and in turn was very
5 important to the successful operation of the district.

6 And, occasionally there were times when
7 pilots were not available, when they should be available,
8 and they were required to give an explanation to Captain
9 Crawford when they were not available. If in Captain
10 Crawford's opinion the explanation was not satisfactory,
11 then they were referred to Montreal and were immediately
12 taken off the assignment list until I, myself, was
13 satisfied that there was some justification for them
14 not taking their turn.

15 We had to discipline pilots occasionally,
16 not frequently, that had been drinking. We didn't
17 take too serious a view of it when it was done when
18 off assignment, but any reports of drinking on the job,
19 was considered very, very serious and in these in-
20 stances the man would be called to Montreal and in
21 serious breaches of discipline the man would be called
22 to Montreal. Usually after it was done once or
23 twice on board ship he was finished. One pilot was
24 dismissed with no hope of getting in the pilots again
25 because he was found drunk on two occasions on the
26 ship. We were not so strict so far as drinking off,
27 before assignments, and if the man, say on account of
28 drinking, couldn't accept his assignment he was laid
29 off for probably a week or ten days, depending on
30 the circumstances.



1 There were other cases when we had to
2 take a really realistic point of view and I can recall
3 such a case of one man, who had been working in the
4 district, one of the first pilots that came with us.
5 He had been working for a couple of months continuously
6 and this was a complaint lodged against him. He had
7 been unable to take an assignment. I called this
8 pilot to Montreal and discussed the problem with him
9 and it was evident to me that the man had been over-
10 worked and it was evident that as a result of that
11 he was in a nervous condition and probably a little
12 drink would have upset him. Consequently, I suggested
13 that he have a holiday and arranged for him to go
14 to Murray Bay for a couple of weeks and three weeks,
15 if he so desired. I paid his expenses. After two
16 weeks he called me and said he wanted to get back on
17 the job and I called him back to Montreal from Murray
18 Bay and interviewed him and he seemed to be in very
19 much better health so I immediately sent him back to
20 Port Weller and gave instructions to Captain Crawford
21 to re-assign him.

22 THE CHAIRMAN: Now, when the pilots
23 were hired or engaged by you, were they given a set
24 of rules as to how it was going to go as for their
25 remuneration and as for the terms of their duties --
26 unwritten rules?

27 THE WITNESS: No, we were --. This
28 was done rather suddenly. This was put into effect
29 rather suddenly and in the first instance, my lord,
30 we had hoped that we would come to some arrangement



1 with the pilots. As a matter of fact, we offered them
2 \$8,000.00 for the season. The majority of the pilots
3 didn't want to tie down to this seasonal operation.
4 They preferred the \$40.00 a day, whether working or
5 whether not working. They preferred this arrangement.
6 I tried to encourage them to set up an organization
7 of their own so that they could get together. This
8 was in the process of being done during the latter
9 part of the season, my lord.

10 THE CHAIRMAN: I am wondering about
11 the requirements of them being available on a tour-de-
12 role basis. Was that well understood?

13 THE WITNESS: It was well understood.

14 THE CHAIRMAN: Just a verbal agree-
15 ment, though?

16 THE WITNESS: Nothing laid down.
17 A verbal understanding that they would be on pay
18 whether working or not working, but they had to be
19 available.

20 THE CHAIRMAN: What about the question
21 of not drinking on duty; how did they know about
22 that?

23 THE WITNESS: Pardon?

24 THE CHAIRMAN: How did they know
25 about that; that it was forbidden?

26 THE WITNESS: I don't think there
27 was any necessity to make any laws in that regard.
28 After all, pilots are very responsible people and
29 they don't have to be told, they don't have to develop
30 a rule book to tell them they shouldn't drink on



1 the ship or shouldn't get drunk on the ship.

2 THE CHAIRMAN: It was an unwritten rule of
3 the trade?

4 THE WITNESS: Exactly, yes.

5 MR. BRISSET: Unwritten law, yes.
6 Do you have any doubt that any of your pilots were not
7 aware of such unwritten law or rule?

8 A. No, definitely not.

9 MR. JACQUES: With the offer of
10 \$8,000.00 a year, they would have become employees of
11 the Federation; would they not?

12 THE WITNESS: Not necessarily. This
13 was a guaranteed amount they were going to get.

14 MR. BRISSET: Yes, Captain. I would
15 like now to go into this aspect of your organization.

16 THE CHAIRMAN: It is now five o'clock
17 and we will adjourn until tomorrow morning at 10:00 a.m.

18 ---Whereupon the hearing adjourned at 5:00 P.M.
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ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
Toronto

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Tuesday, the
16th day of June, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River Pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. Colin Mason	for the Dominion Marine Association.



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1 ---Upon resuming at 10.00 a.m.

2
3 CAPTAIN JAMES E. MATHESON, recalled

4 DIRECT EXAMINATION BY MR. BRISSET, cont'd

5
6 Q. Captain, you were asked yesterday
7 by the President of the Commission to ascertain which
8 was first in point of time, the seizure of the pilot
9 boat at Sarnia or the request by the Steamship Inspec-
10 tion Branch for the opening up of the engine. Have
11 you been able to determine from your records?

12 A. No. I looked in my records and have
13 not been able to determine that.

14 Q. Are you able to confirm only that both
15 events occurred in June 1958?

16 A. Yes. They were very close together,
17 both events.

18 THE CHAIRMAN: Thank you.

19 Q. Captain, I would like to refer you to
20 page 22 of your brief in the second paragraph where you
21 speak of the resignation of an American pilot because
22 of threats, and I would like you to identify a letter
23 dated May 7th, 1958, addressed by Captain Morgan Howell
24 to the Shipping Federation of Canada.

25 A. Yes.

26 Q. Is that the letter that you received
27 from this pilot?

28 A. That is.

29 Q. Was this pilot an American pilot?

30 A. He was an American pilot, yes.



1 Q. Will you just quote the first few
2 lines of this letter?

3 A. "I regret that I was forced to with-
4 draw as a pilot only after intimidation and threats on
5 myself and phone calls received by myself and my family."

6 Q. Will you go on?

7 A. "In the absence of members of the
8 Masters, Mates and Pilots in conjunction with Seafarers
9 International Union and affiliated . . ." -- it is not
10 very clear -- "who also threatened my company re my
11 services on the SS AQUARAMA of which I am the master
12 during her short three months' summer operation."

13 MR. BRISSET: Will you file this letter
14 as an exhibit?

15 THE SECRETARY: Exhibit 1239.

16 MR. LANGLOIS: Will you identify it again,
17 please?

18 MR. BRISSET: The letter is dated May 7th,
19 1958, addressed by Pilot Morgan Howell to the Shipping
20 Federation of Canada.

21 ---EXHIBIT NO. 1239: Letter dated May 7th, 1958,
22 from Captin Morgan Howell.

23
24 Q. Captain, at the adjournment yesterday
25 I think we had reached the point where you were asked
26 what were the arrangements concluded with the pilots
27 of the Port Weller-Sarnia district in 1958 with
28 regard to their emoluments. Will you outline very
29 briefly to the Commission what these arrangements were?

30 A. The arrangements I had with engaging
pilots for the new pilotage area was that they would be



1 employed -- this is in the first instance -- they would
2 be employed at \$40 a day and a guaranteed amount for the
3 total season of \$8,000.

4 Q. That is \$40 a day whether they were
5 working on board ship or not, but provided they were
6 available?

7 A. That is right, providing they were
8 available they would get \$40 a day.

9 Q. What was the arrangement, if any, to
10 cover cases of illness?

11 A. Well, illness up to two weeks was paid
12 for in full; after two weeks, half pay for an indefinite
13 period. We had only one such case of illness as far
14 as a pilot I can recall during our operation of this
15 pilotage area.

16 Q. What about travelling expenses? Who
17 paid for that?

18 A. Well, travelling expenses, the arrange-
19 ment was what I considered most satisfactory, and the
20 satisfactory arrangement is that pilots' expenses
21 should be considered and was when we were operating the
22 pilotage, on the same basis as administration expense.
23 Any other administration expense.

24 Q. How were pilots' expenses handled?

25 A. Well, any moneys they paid out, they
26 were reimbursed by the dispatcher at Port Weller. I
27 think when Captain Crawford was in the stand it was
28 explained that he had an account the Shipping Federation
29 made available to him, and any moneys he required for
30 any such expenses or incidentals were taken out of this



1 account.

2 Q. Who was checking the pilots' expenses
3 when accounts were submitted by them?

4 A. Captain Crawford checked the expenses
5 and paid them.

6 Q. In other words, he had to approve of
7 the statement of expense before it was paid, I imagine?

8 A. Absolutely. I may mention here so
9 that the expenses would be kept to a minimum we had
10 a taxi service available there. This taxi service
11 was under the jurisdiction of Captain Crawford and men
12 were sent up to Port Colborne or taken down from Port
13 Colborne to Port Weller. Sometimes we sent men up to
14 Sarnia, the other end of the district.

15 Q. By taxi?

16 A. By taxi, and of course this was paid
17 out of the fund that Captain Crawford had for expenses.

18 Q. What about other administrative ex-
19 penses like telephones, telegrams, the salary of the
20 dispatchers?

21 A. That was taken out of the same account,
22 but the principal point I would like to get over here,
23 my lord, was that Captain Crawford the dispatcher
24 checked these expense accounts that the pilots
25 submitted. He was more familiar than anyone else
26 in checking that. It was he who dispatched the men,
27 who knew every conveyance they had to catch to get
28 to the destination or from A to B, and he was more
29 competent than anyone else to check these expenses,
30 and they were just considered administration expenses,



1 and that system worked very well.

2 Q. Now, Captain, was there any policy
3 followed in the administration of the district to avoid
4 detention on board ship and therefore loss of
5 pilotage material during detention?

6 A. Oh, yes. We considered that very,
7 very important. In that regard the pilots were in-
8 structed as soon as they arrived in the port to consult
9 with the agent and the ship's master to find how long
10 the ship was to be in port. Then he had immediately
11 to report or as soon as he possibly could report back
12 to the dispatching office with this information. Then
13 the dispatcher decided whether he would remain on the
14 ship or whether he would be taken off the ship to stand
15 by for a further assignment.

16 Q. In other words, the decision of whether
17 he would get off the ship or remain available to the same
18 ship was a decision of the dispatcher and not of the
19 pilot or of the master or of the agent?

20 A. Absolutely. I may say in this regard
21 we had a little difficulty. Some pilots reported to us
22 that they could not get proper information from the
23 master or the agent, but in cases like that I took care
24 of that in Montreal with the principal agents to see
25 that they would cooperate with the pilots and give them
26 reliable and accurate information.

27 Q. Generally speaking can you say what
28 was the record of the operation of the service in 1958
29 with respect to the detention in ports like Detroit
30 and Cleveland where in past years there has been



1 considerable detention?

2 A. At that time there was very little
3 detention. I don't think a record was actually kept
4 up on actual detention because in our operation it
5 was not a problem, but it is today.

6 Q. Why?

7 A. Because there was very little deten-
8 tion.

9 Q. But why was there very little deten-
10 tion?

11 A. On account of the system which I have
12 just explained that the pilots had to get reliable in-
13 formation from the agents and report back to the dis-
14 patcher. As a matter of fact, if the ship was to be
15 more than twenty-four hours in the port, the pilot was
16 automatically taken off the ship even if he just waited
17 there and assigned to the ship again before she left.
18 But we certainly discouraged any pilot remaining aboard
19 the ship while the ship was in port. We thought it
20 was an improvement in the operation even to keep the
21 pilot ashore in the hotel rather than keeping him
22 aboard the ship.

23 THE CHAIRMAN: Was it the same rate for
24 detention as it was for pilotage or was there a dif-
25 ferent rate?

26 THE WITNESS: No, we didn't charge deten-
27 tion.

28 Q. To the ship?

29 A. We didn't charge detention. We didn't
30 let detention occur.



1 THE CHAIRMAN: The pilot had no incentive
2 to be detained because he was not paid then?

3 THE WITNESS: It wouldn't make any dif-
4 ference to the pilot. The pilot was paid \$40 a day
5 whether he was sitting on the ship doing nothing or
6 whether he was at home or whether he was piloting.
7 He was paid \$40 a day.

8 Q. Provided he was available for duty
9 if called?

10 A. Yes.

11 THE CHAIRMAN: Did I hear that the pilots
12 were billing the ships themselves for the work done?

13 THE WITNESS: No, not in this operation.

14 Q. I want to come to this other side of
15 the picture. Who prepared or set the tariff for pilot-
16 age fees to be paid by the ship?

17 A. That was set by the Pilotage Committee.
18 I think I worked it out, and it was approved by the
19 pilots committee.

20 Q. Have you a copy of the tariff which was
21 set for the year of operation of 1958?

22 A. Yes. You have it there.

23 Q. Would you just give us a brief outline
24 of what the tariff was that year?

25 A. The tariff that was decided on in the
26 initial operation, and as far as I recall was continued
27 throughout the season that we operated pilotage in the
28 district, Port Weller to Sarnia was \$200.

29 Q. How does that compare with today?

30 A. Just about the same. Port Weller to



1 Toledo, \$110. Port Weller to Detroit, \$150. Toledo
2 to Sarnia, \$100. Detroit to Sarnia, \$65. Toledo to
3 Detroit, \$50. Welland Canal, \$100. Today it is
4 \$200, I believe.

5 Then we had a charge for port pilotage.
6 Any port in Lake Erie south of Southeast Shoal -- that
7 is as I explained previously where the pilot had his
8 rest period -- if the ship went into port and used a
9 pilot then the ship was charged \$25. If the ship
10 left, leaving the port and used a pilot, the ship
11 was charged \$25. I found a little bit of difficulty
12 in this arrangement because the pilots felt that this
13 \$25 should go in their pockets while we felt and we
14 arranged that this port pilotage went into the pilotage
15 fund because the pilots were on this arrangement of
16 \$40 a day whether they worked or not.

17 Q. Perhaps the Commission might be
18 interested in having a copy of the tariff for the
19 record.

20 THE CHAIRMAN: Yes.

21 MR. BRISSET: Will you file this tariff
22 as Exhibit 1240?

23 ---EXHIBIT NO. 1240: Copy of pilotage tariff
24 (1958).

25 THE WITNESS: There is one other thing I
26 might mention for the record. A vessel requiring the
27 services of a pilot to any port or ports in Lake Erie
28 east of Southeast Shoal to be charged \$40 per day for
29 the time the pilot was employed in the area west of
30 Port Colborne. That is, if the pilot was employed



1 in that area by the ship, then the ship had to pay
2 \$40 in that area.

3 Q. Briefly and roughly will you give us
4 the financial results of the operation of the District
5 for that year 1958?

6 A. Yes. I think as I mentioned before
7 the operation was most satisfactory from the point of
8 view of the users. It was economically satisfactory
9 also. At the end of the season we had a surplus of
10 about \$28,000.

11 Q. After taking care of all administration
12 expenses and the salaries of the pilots?

13 A. Yes, including expenses of the pilots
14 and salaries and all other expenses.

15 Q. I take it then that the Shipping
16 Federation had assumed at the time the chance of a
17 profit or a loss?

18 A. Oh, absolutely. We took that chance
19 when we put that pilotage into effect.

20 Q. Now, we all know that the district was
21 taken over by the Canadian Government in the year 1959,
22 but perhaps you might explain to the Commission what
23 had been your intentions with respect of that profit,
24 what turned out to be profit in 1958, if you had con-
25 tinued in 1959?

26 A. Well, that money was going to go in a
27 reserve fund and it was our intention that the tariff
28 be reduced the next year so that we could -- with a
29 view to coming out even or as close as possible to
30 the amount of money required at the end of the following



1 season. However, as it developed, the Department
2 of Transport took over the area.

3 THE CHAIRMAN: In other words, your
4 conception was merely a service, not an enterprise?

5 THE WITNESS: That is right.

6 THE CHAIRMAN: And therefore any profit
7 made on it would go back to the enterprise and with a
8 readjusting of the budget?

9 THE WITNESS: Yes, my lord, that was our
10 intention.

11 Q. Or possibly there might have been an
12 increase in the salary of the pilots if negotiations
13 had resulted and the fund would have ---

14 MR. LALONDE: Did I hear "possibly"?

15 A. If we had continued there definitely
16 would have been negotiations with the pilots, not
17 only as far as the daily rate or their employment
18 conditions, but also as far as working conditions is
19 concerned because when we started this thing up there
20 was no organization representing the pilots, and we
21 encouraged the pilots to get an organization, but it
22 was not successful. I think that will come out later
23 in our testimony.

24 MR. LANGLOIS: Would you care to explain
25 what you meant when you stated a while ago in answer
26 to a question from Mr. Brisset that the Shipping
27 Federation was taking a chance of a profit or loss?

28 THE WITNESS: Well, what I meant by that
29 is if we had set a tariff at less than we had done
30 we would probably at the end of the year instead of



1 coming up with a surplus we would have come up with
2 a deficit.

3 MR. LANGLOIS: What would happen then?

4 THE WITNESS: We would have had to pay
5 that because as it happened the Department of Transport
6 took over pilotage the following year. However, if
7 the Department did not take over pilotage the following
8 year and there was a deficit, then we would have in-
9 creased these rates, a copy of which has just been
10 filed.

11 Q. In 1959?

12 A. 1959.

13 Q. In other words, you were operating
14 the district in the manner which you are recommending
15 in the main brief that pilotage districts be operated
16 in the future?

17 A. Exactly.

18 MR. LANGLOIS: You were representing the
19 users of the service. If there had been a deficit
20 you would have gone back to the users of the service
21 to absorb this deficit? Is not that the case?

22 THE WITNESS: It is difficult to say what
23 would have happened whether the Federation would have
24 absorbed it or whether we would have -- that was a
25 possibility where we were not confronted with that
26 problem.

27 THE CHAIRMAN: Or whether you would have
28 reduced your budget for next year in order to take
29 care of the deficit for the year before?

30 THE WITNESS: That is what we intended to



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Matheson, dir
(Brisset)

17286

1 do.

2 MR. LANGLOIS: You were acting for the
3 users of the service, and therefore if there was a
4 deficit the users would have been called upon to pay
5 for it? This is the case?

6

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1 THE WITNESS: In fact, Mr. Langlois, it
2 was a different enterprise. We set a levy, a tariff
3 for these ships to pay. But it was a non-profitable
4 enterprise.

5 MR. LANGLOIS: Non-profitable for whom?

6 THE WITNESS: For the people who were
7 operating it.

8 MR. LANGLOIS: Well, those who were op-
9 erating were acting for the users of the service, were
10 they not?

11 THE CHAIRMAN: Mostly.

12 THE WITNESS: Mostly, Mr. Langlois.
13 What you have to remember is that all ships that went
14 into the --

15 THE CHAIRMAN: Was the service, Captain,
16 provided only to your members?

17 THE WITNESS: No, sir. It was provided
18 to all ships that went into the Great Lakes.

19 THE CHAIRMAN: I think it was a voluntary
20 system?

21 THE WITNESS: Exactly.

22 THE CHAIRMAN: There was no compulsion
23 whatsoever.

24 Do you know what type of ships used the
25 service -- only ocean-going or others?

26 MR. BRISSET: Q In 1958?

27 A In 1958 I am inclined to think that some
28 of the domestic shipping used that service, but I would
29 have to check that up. In any event, My Lord, it was
30



1 available for them if they wanted to use it; but
2 certainly other than the members of the Federation did
3 make use of it.

4 MR. LANGLOIS: What was the percentage
5 of non-members using the service?

6 THE WITNESS: I could not say.

7 MR. LANGLOIS: Was it 2 percent, 5 per-
8 cent, 10?

9 THE WITNESS: Not a big percentage. I
10 would not like to say. The principle was there -- they
11 could use it.

12 THE CHAIRMAN: Was the service used by
13 all the ships of your members?

14 THE WITNESS: Oh, yes.

15 THE CHAIRMAN: They always used it?

16 THE WITNESS: Always used it.

17 MR. BRISSET: Q Captain, it has been
18 suggested to you that if you had had a deficit you
19 could have gone back to the users of the services to
20 make up the deficit by way of levy. Actually, is that
21 a practical thing to do, taking into account that a
22 great number of ships coming into this area are tramp
23 ships that may never come back to our shores?

24 A No, it would not be a practical approach.
25 I am afraid if we are faced with a deficit under the
26 circumstances we would have had to have taken the loss.

27 Q Or increase the tariff the following
28 year?

29 A If we had continued operating pilotage
30



1 the following year, then the problem would not exist.

2 MR. LANGLOIS: But when you say "We
3 would have taken the loss.", this is about 98 percent
4 of the users of the service. Is that a fact?

5 THE WITNESS: Well, it is the Federation
6 that would have to take the loss.

7 MR. LANGLOIS: What is the Federation?

8 THE CHAIRMAN: It is a separate entity
9 composed of members like any corporation.

10 MR. BRISSET: Q Most of the members
11 are agents. They are not the owners of the ships which
12 get the services too. That should be kept into account.

13 THE CHAIRMAN: Of course, in the longrun
14 it comes always to the same thing, and you may go to
15 the customer who is going to pay the bill in the longrun.

16 MR. LANGLOIS: In this case the customer
17 is running the show. At the same time he is providing
18 the service himself.

19 MR. BRISSET: Fortunately for the ships,
20 as nobody else wanted to provide it.

21 Q Captain, let us go back to the events
22 in the year 1958. You recorded on page 23 that on
23 June 12th, 1958 Captain R.A. Stevenson finally joined
24 the roster of pilots.

25 In this regard, My Lord, we were asked
26 at the hearing in April to file the extract from the
27 Globe & Mail reporting the declaration of Captain
28 Stevenson when he joined the roster. I have the ex-
29 tract here, which I would like to file as Exhibit 1241.



1 M. LALONDE: I object to the production
2 of this document since Captain Stevenson declared under
3 oath that he did not say this.
4

5 ---EXHIBIT NO. 1241: Clipping from Globe &
6 Mail issue of June 13th,
7 1958.

8 MR. BRISSET: Q Captain, you mentioned
9 a little while ago that the pilots of the districts
10 who were serving in the summer of 1958 tried to organize
11 themselves into an association, which you called at
12 page 24 of your brief the Ontario Marine Pilots
13 Association. Could you tell us a little more about
14 this -- what you know of these attempts to associate?

15 A Yes. They tried to form a group and
16 asked for certification by the Canada Labour Relations
17 Board, but apparently this was opposed by the Great
18 Lakes Pilots Association. However, we worked very
19 closely with the Ontario Marine Pilots Association --
20 the members that were in it -- and it is through that
21 Association we were able to arrange with the National
22 Employment Service so that the pilots that were off
23 season would come under the National Employment Service
24 Act.

25 Q Captain, I want to clear one point.
26 There is a reference in your brief to two associations,
27 the Ontario Marine Pilots Association, which apparently
28 did not materialize, and later on I believe at page
29 29 you refer to another organization called the
30 Corporation of the Port Weller/Sarnia Marine Pilots.



1 To clarify the record I would like to be sure which of
2 the two organizations attempted to get bargaining
3 rights before the Canada Labour Relations Board?

4 A They were one and the same group of men,
5 but the name had been changed as far as I can recall
6 and it was the latter organization that they tried to
7 get certification.

8 MR. LALONDE: Is it not a fact that
9 certification was refused because this was considered
10 a company union?

11 THE WITNESS: I do not believe so. It
12 was opposed by the -- I just do not recall.

13 MR. BRISSET: Q The Great Lakes Pilots
14 Association?

15 A But I know it was opposed by the Great
16 Lakes Pilots Association.

17 MR. LALONDE: But my question was con-
18 cerning the reasons why the Canada Labour Relations
19 Board refused certification.

20 THE WITNESS: I cannot say that it was
21 because it was a company employer organization, as you
22 say, because I do not think that was the case.

23 THE CHAIRMAN: Do you know whether the
24 refusal was delivered in writing? It could be very
25 easy to obtain, if so.

26 THE WITNESS: Oh, I think it must have
27 been, My Lord; but I cannot recall the details, because
28 these were very difficult days.

29 THE CHAIRMAN: If you think, Mr. Lalonde,
30



1 it is a point of interest, then we will try to have
2 this.

3 MR. LALONDE: The record speaks for it-
4 self, My Lord.

5 MR. BRISSET: My Lord, we have in the
6 file, I believe -- and we can file it -- a copy of the
7 letter addressed by the Great Lakes Pilots Association
8 to the Labour Relations Board opposing the certification
9 of the Port Weller/Sarnia Marine Pilots; so we can,
10 when we locate it, file it.

11 MR. LALONDE: It is not denied that the
12 Great Lakes Pilots Association did oppose the request
13 for certification.

14 THE CHAIRMAN: Mr. Lalonde was saying
15 that it was not on account of that; it was refused be-
16 cause it was a company union.

17 MR. BRISSET: I assume the Great Lakes
18 Pilots Association took the stand when it was before
19 the Board. I do not know; I have not followed the
20 hearings.

21 Q At all events, had you anything to do
22 with the formation of this association first known as
23 the Ontario Marine Pilots Association and subsequently
24 as the Corporation of Port Weller/Sarnia Marine Pilots?

25 A No, only that I advised the pilots that
26 if we could assist in any way we would be happy to do
27 so.

28 Q Were you called to assist in the form-
29 ation of that corporation?
30



1 A Not in the actual formation of the
2 corporation, but as far as the dealings with the
3 National Employment Service, yes, we assisted in that.

4 Q In what way?

5 A I forget the details now; I cannot tell
6 you.

7 Q Was that for the purpose of qualifying
8 the men for unemployment insurance benefit?

9 A Yes.

10 Q In other words, it had nothing to do
11 with the formation of the Association?

12 A It had nothing to do with the formation
13 of the Association.

14 Q Itself?

15 A No.

16 Q Captain, I believe we have already in
17 evidence from Captain Crawford that by the end of
18 August, 1958 the roster of pilots was complete or the
19 system or the setup was working efficiently?

20 A That is correct.

21 Q Did you at the time then request the
22 Department of Transport to come and take it over?

23 A Yes, we did. We felt that we had
24 proven conclusively that this was a practical operation
25 and it was running smoothly, so we went to the Depart-
26 ment and asked them, urged upon them to take the thing
27 over.

28 MR. BRISSET: I would like you to file,
29 Captain, as Exhibit --
30



1 THE CHAIRMAN: As an argument did you
2 show your balance sheet?

3 THE WITNESS: No, sir.

4 MR. BRISSET: I would like you to file
5 as Exhibit 1242 a copy of a telegram addressed by your-
6 self dated August 25th, 1958 to Mr. Alan Cumyn, Director
7 of Marine Regulations, Department of Transport re the
8 taking over of the Port Weller/Sarnia District.

9
10 ---EXHIBIT NO. 1242: Copy of telegram,
11 dated August 25th, 1958
12 to Mr. Alan Cumyn of the
13 Department of Transport,
14 from Captain Matheson
15 re the taking over of the
16 Port Weller/Sarnia District.

17
18 Q Captain, what was the reply, if any, or
19 the results of your request to the Department at the
20 time?

21 A As far as I can recall we were told
22 they would take it under consideration.

23 Q But was anything more done?

24 A Nothing further done.

25 Q At that time or during the summer and
26 fall of 1958 was there any survey or study made by the
27 government or the representatives of the Department of
28 Transport of the operation of your district?

29 A Yes. Captain Graves I understand,
30 about that time made a survey of the pilotage area
and reported to the Department of Transport.

Q Are you aware whether he called at the
office of your dispatcher, Mr. Crawford?



1 A Yes, I believe he did.

2 Q And as far as you are aware do you know
3 whether all the records of the district as operated by
4 Mr. and Mrs. Crawford were made available to him?

5 A I am quite sure. Our records were avail-
6 able to the Department at all times.

7 Q However, were you present?

8 A No, I was not present.

9 Q At the time this survey was made?

10 A Not actually in Port Weller, no.

11 Q Were you at any time asked to accompany
12 Captain Graves during the course of his survey?

13 A No. As a matter of fact I do not think
14 I was aware of the survey being made until Captain
15 Graves was actually in Port Weller.

16 Q So you had no participation at all in
17 that survey yourself?

18 A None.

19 Q And you or anyone from the Shipping
20 Federation?

21 A None whatever.

22 MR. BRISSET: My Lord, we have a copy of
23 the report of survey of Captain Graves which covers
24 not only the Port Weller/Sarnia District but the whole
25 lake area at the time. I wonder whether it is proper
26 for us to file it. Perhaps the Government would like
27 to file it?

28 THE CHAIRMAN: One way or the other, be-
29 cause it will have to be filed.
30



1 MR. BRISSET: Will you therefore, Captain,
2 file as Exhibit --

3 MR. LALONDE: Is this the document which
4 comes from the Shipping Federation's files, or what is
5 the source of this document? Was this sent to the
6 Shipping Federation or what?

7 MR. BRISSET: Yes, it was sent to the
8 Shipping Federation because apparently they have it in
9 their files. Perhaps Captain Matheson can tell us how
10 this was obtained.

11 THE WITNESS: I cannot recall.

12 CAPTAIN SLOCOMBE: We are going to pro-
13 duce this in Ottawa, My Lord.

14 THE CHAIRMAN: For the sequence of the
15 documents we are going to have it filed now with the
16 understanding that we are going to have it certified by
17 the Department of Transport in Ottawa.

18 MR. LANGLOIS: What will be the complete
19 description of the document?

20 MR. BRISSET: Report on pilotage in the
21 St. Lawrence Seaway and Great Lakes areas, dated
22 September 30th, 1958 and signed by Captain G.W.R.
23 Graves.

24 MR. LALONDE: Could not this document
25 have been obtained from the good offices of Captain
26 Jack Fisher in Ottawa -- or is it Colonel?

27 THE WITNESS: I am sure not.

28 MR. BRISSET: However, if you are in-
29 terested, we can make a further search of the records
30



1 and try and find out how it came into our possession.

2 THE SECRETARY: My Lord, I suggest we
3 take it now as the exhibit and I will have it certified
4 by the Department of Transport.

5 THE CHAIRMAN: As you have done before.

6
7 ---EXHIBIT NO. 1243: Report on pilotage in
8 the St. Lawrence Seaway
9 and Great Lakes areas,
10 dated September 30th,
11 1958 by Captain G.W.R.
12 Graves.

13 MR. BRISSET: Q Now, Captain, con-
14 currently with your work in connection with the establish-
15 ment of the Port Weller/Sarnia District there was, of
16 course, another problem which you had to face at the
17 time, namely the legislation pending before the United
18 States Congress and Senate, the U.S. Great Lakes
19 Pilotage Bill?

20 A Yes.

21 Q What were you doing during that period
22 in order to be prepared to oppose this legislation as
23 you had done it at the hearings before the House?

24 A Yes. Well, as a result of the first
25 bill we were, of course, continually in very serious
26 discussion with the Department of Transport with re-
27 spect to their dealings with the American authorities.

28 Q What about your dealings with other
29 governments through your affiliations?

30 A Yes. Of course, we kept the International
Chamber of Shipping and the International Shipping
Federation advised of the developments and we asked



1 their support. We asked our members to get on to their
2 embassies and then support us in Washington. We were
3 able to get together a formidable presentation to the
4 Senate in Washington.

5 Q Now, Captain, I understand that it ap-
6 pears from the record, Exhibit 1103, that you presented
7 a brief before the Senate Committee at the first hearing
8 on May 28th, 1958?

9 A That is correct.

10 Q As also appears from the record, Exhibit
11 1103, the Aide Memoire, which the Canadian Government
12 had transmitted to the American Government, was not
13 presented to the Senate Committee at that first hearing,
14 and I would like you to tell us what you did in this
15 regard following the adjournment of the hearing to
16 June? You said you were in close contact earlier with
17 the Canadian Government?

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1 A Yes. It is a rather involved
2 situation. I don't know where to start. However, we
3 were in touch with the Canadian Government and made
4 specific proposals as to what pilotage should involve
5 in the Great Lakes.

6 Q At page 25 of your brief, Captain,
7 in the second paragraph you refer to advice you had
8 received from the Assistant Deputy Minister of a meet-
9 ing that had taken place between the Canadian Govern-
10 ment officials and the U.S. Coast Guard?

11 A Yes. We were advised that Mr.
12 Booth, the Assistant Deputy Minister of Transport,
13 and a Captain Slocombe had gone to Washington for dis-
14 cussions with the American authorities. They were
15 accompanied by a Mr. Ritchie of the Canadian Embassy.
16 On account of a representation to the Department of
17 Transport previously we were very anxious to know what
18 developed in Washington at that meeting. As I recall
19 it, I telephoned to Mr. Booth for information about
20 it, and Mr. Booth's reaction was -- as a matter of
21 fact I asked for a report and Mr. Booth's reaction was
22 that it would not be appropriate for the Government
23 of Canada to give a report to the Shipping Federation
24 but he appreciated our concern so he related over the
25 telephone what transpired. As I recall it, this meet-
26 ing that took place in Washington was attended by
27 the State Department officials, including Admiral
28 Richmond. The gist of it was that Admiral Richmond
29 was favourably impressed with the representations the
30



1 Department of Transport had previously made but that
2 he declared that he would not recede from his previous
3 position, meaning Bill HR57. He made reference to
4 this particularly on account of the attitude of the
5 Masters, Mates & Pilots. He expressed the view that
6 he was not favourably impressed with the representative,
7 Captain Johnston, but he felt if he receded from his
8 previous position it would only result in further
9 demand from the Masters, Mates & Pilots. Mr. Ritchie
10 put a strong case up for the Canadian Government at
11 this meeting, as far as I can recall, and we have a
12 memorandum of that. I don't want to go into all the
13 detail.

14 Q I take it that you prepared a
15 memorandum recording the gist of your conversation
16 with Mr. Booth at the time?

17 A Yes.

18 Q And perhaps for the record you
19 could identify for us this memorandum and file it as
20 Exhibit 1244?

21 A Yes, that is the memorandum dated
22 2nd of June, 1959.

23
24 ---EXHIBIT NO. 1244: Memorandum, dated June
25 2nd, 1959.

26 MR. LANGLOIS: By whom to whom?

27 MR. BRISSET: A memorandum drafted
28 by Captain Matheson on the conversation held on June
29 2nd between himself and Mr. Booth, the Assistant
30 Deputy Minister.



1 Q Captain, at page 25 of your brief
2 you record that the Aide Memoire of the Canadian
3 Government was eventually presented before the Senate
4 Committee on June 17th with a letter from the
5 Department of the Secretary of State, dated June 18th.
6 That appears from the record, My Lord, as Exhibit 1103,
7 hearings before the Committee of Inter-State and
8 Foreign Commerce for the United States Senate held on
9 May 28th, June 17th and 20th, at page 26. My Lord, we
10 have also annexed to the same exhibit 1103 hearings on
11 Bill S2096, the report of the Chairman of the Committee
12 in which we recommended that the American legislation
13 be deferred and requested the two governments to try
14 and reach an agreement by December 20th, 1958.

15 I don't think I need to go into
16 detail.

17 THE SECRETARY: I understand that
18 S2096 is a companion bill?

19 MR. BRISSET: S2096 is a companion
20 bill to HR 7515 on which hearings had been held before
21 the House Committee in January of 1958.

22 My Lord, at the bottom of page 26
23 we refer to the support of the members both on the
24 Canadian and the American side who opposed the proposed
25 legislation. In support of this I would simply like
26 to file some editorials which were published at the
27 time in which it will appear that this famous ex-
28 pression was coined to describe the American legis-
29 lation as the "Feather Bunking Bill".
30



1 This will be Exhibit 1245.

2
3 ---EXHIBIT NO. 1245: Editorials, referred to.

4 MR. LALONDE: I don't want to raise
5 any undue objections but the pilots did not participate
6 in any way, shape or form in the United States.

7 THE CHAIRMAN: This is understood.

8 MR. LALONDE: I am sure we could
9 find editorials that would probably have supported the
10 Bill in the United States. One can find clippings for
11 almost anything and editorials can be -- what words
12 should I use?

13 MR. LANGLOIS: Biased.

14 MR. LALONDE: Inspired in any
15 direction according to the views of the people owning
16 the paper.

17 THE CHAIRMAN: I think that is com-
18 mon knowledge.

19 MR. BRISSET: The amazing thing in
20 this is that the Senate Committee thought it interest-
21 ing to include in the record a good many editorials,
22 and I find none that was in favour of the Bill.

23 MR. LALONDE: I am sure my friend
24 knows the procedure in the United States in the Senate
25 Committees. In the Senate or in the House of
26 Representatives any member of the House or the Senate
27 can say "I want to put this document into the record."
28 They just put it in and it is printed the next day as
29 part of the record. It doesn't add any value to the
30



1 case.

2
3 MR. BRISSET: All I can say is the
4 only three who supported the Bill were Captain Johnson,
5 Vice-Admiral Spencer and Vice-Admiral Richmond. I
6 don't know whether my friend wants to support it now
7 but it is a bit late.

8 CAPTAIN SLOCOMBE: My Lord, may I
9 make a remark? It should be obvious to everybody
10 that this memorandum is a report of a confidential con-
11 versation made by Mr. Booth to Captain Matheson. I
12 don't know whether Mr. Booth would have given Captain
13 Matheson this information if he had known it was going
14 to be made public.

15 MR. BRISSET: I must say this con-
16 versation was certainly kept confidential at the time
17 but three years, four years later -- with all due
18 respect I do not feel that there are perhaps the same
19 reasons to make it confidential. However, if the
20 Department feels otherwise we would be willing to
21 withdraw it.

22 CAPTAIN SLOCOMBE: There are no
23 secrets here. I thought I should put it on the record
24 that it was a confidential conversation.

25 THE CHAIRMAN: At the time, yes.

26 MR. LANGLOIS: What is the des-
27 cription of Exhibit 1245?

28 THE CHAIRMAN: Editorial.

29 MR. LANGLOIS: This was on?

30 MR. BRISSET: On the companion Bill,



1 which is similar to S 2096.

2 MR. LALONDE: With regard to the
3 last remark of my friend, I don't say I wish to sup-
4 port the Bill now but I don't want to be told stories
5 either.

6 MR. BRISSET: What story!

7 THE CHAIRMAN: Let us get down to
8 facts.

9 MR. BRISSET: My Lord, I am now
10 coming to page 27 of the Brief and I would like to
11 make a correction, if I may. There is a reference in
12 this paragraph to a meeting arranged between the
13 Shipping Federation and the Commandent of the United
14 States Coast Guard having taken place on July 4th.
15 This is a misprint and it should be June 4th and the
16 sequence is a bit out of order.

17 Q Captain, will you tell us about
18 this meeting to which you refer in your brief at page
19 27 with the United States Coast Guard? How was that
20 arranged and generally what was the gist of the dis-
21 cussion that took place then?

22 A I think it was arranged by phone
23 call by myself to Admiral Richmond that we wanted to
24 discuss the pilotage in the Great Lakes with him and
25 arrangement was made for a delegation. Consequently
26 arrangements were made for a delegation from the
27 Federation of Pilotage Committee to go up and have
28 discussions, go to Washington for discussions with
29 Admiral Richmond.
30



1 Q Now at that time, that is on June
2 4th 1958, the Port Weller-Sarnia District had already
3 been created, although perhaps not operating to 100 per-
4 cent efficiency. Was that disclosed at the time to
5 Admiral Richmond?

6 A Oh, yes.

7 Q Do you recall what his reaction was
8 with respect to this setup?

9 A Well, he was familiar, of course,
10 with the development in the Port Weller-Sarnia area
11 and the pilotage was running satisfactorily and fairly
12 smoothly and it was a practical operation and he gave
13 us to believe that if he thoroughly understood the
14 situation in the first instance, or was better in-
15 formed, that he would not have taken the position that
16 he took on Bill HR 57.

17 Q Bill HR 57 was known as S 2096 then?

18 A Yes, the Pilotage Bill.

19 Q However, did he show any indication
20 that he would recede from his position that the Bill
21 then pending had to be opposed?

22 A No, he didn't. He did not.

23 Q Have you prepared a memorandum of
24 this meeting of your discussions with Vice-Admiral
25 Richmond?

26 A I did, yes.

27 Q I would ask you to identify this
28 memorandum and file it as Exhibit 1246.

29 A Yes.
30



1
2 ---EXHIBIT NO. 1246: Memorandum of discussion
3 between Captain Matheson
4 and Vice-Admiral Richmond.

5 Q Now, Captain, at page 27 of your
6 Brief in the last paragraph you refer to notices dis-
7 patched by Captain Johnston to various shipping agents
8 that pilotage services had been organized through the
9 Great Lakes by his organization with dispatching
10 offices at various points. I would like you to first
11 file as Exhibit 1247 a copy of this notice.

12 A Yes.

13 Q And I would like you to tell me
14 whether actually such services were put into effect,
15 and whether your ships and member ships were at all
16 affected?

17 A If it were put into effect it was
18 certainly not used by ocean shipping.

19 Q So this attempt to compete with
20 the organization you had set up was then not successful?

21 A Definitely not.

22 Q Does that apply even to ships that
23 were operated by non-members of the Federation?

24 A Yes.
25
26
27
28
29
30



1 Q. What about American ocean ships?

2 A. It applied to American ships also.

3 Q. At that time American ocean ships
4 operators had fallen in with your policy?

5 A. As far as we knew. It wasn't always
6 possible to know. Our operation, as you will recall,
7 was not compulsory. It was available there for any-
8 one that used it, and therefore I can't say definitely
9 that no other service was used during the time it was
10 in operation, but if any other service was used, it
11 was certainly unknown to us.

12 Q. Now, had you started by that time to
13 be in communication with the American Merchant Marine
14 Institute or did that come later, do you recall off-
15 hand?

16 A. That came later, I believe.

17 Q. All right. We come to another
18 problem, Captain, the setting up of port pilotage.
19 Were you engaged in any activity with respect to
20 the setting up of port pilotage in various Canadian
21 ports of the Great Lakes during your year of operation,
22 1958?

23 A. Yes, because our operation involved
24 ships going without pilots across open water. We
25 considered that pilotage was desirable in Canadian
26 ports, and with that in view I went to Toronto and
27 had an interview with Mr. Griffiths who was Manager
28 of the Toronto Harbour, and explained what the Federa-
29 tion had in view as far as port pilotage, and asked him
30 to put into effect a system of port pilotage in Toronto.



1 The system that we envisaged was
2 that there would be port pilots available at Toronto,
3 but it would not be compulsory for a ship to use these
4 pilots. They would be available if required.

5 At this time we were faced, of course,
6 with the organization which we have named here fre-
7 quently from the United States, the Masters, Mates and
8 Pilots, and it was very important that any pilotage
9 system that would be set up would be under respon-
10 sible control, and that is why an approach was made
11 to Mr. Griffiths to set up a port pilotage in Toronto
12 and control it.

13 Q. Now, what was the result of your
14 recommendations made to the Toronto Harbour authorities
15 at the time?

16 A. Well, Mr. Griffiths was certainly
17 not enthusiastic about it. He expressed the view that
18 he may be getting involved with labour difficulties
19 if he gave effect to this system. He was not opposed
20 to it in principle, but he did not feel that he should
21 go along with it, and as a matter of fact, he did not
22 go along with it. Arrangements had to be made with
23 the ships' agents in Toronto to have their port pilots
24 available if required by ocean shipping.

25 I may say on the same trip ---

26 Q. Before you go further, Captain, you
27 say the arrangement had to be made by agents to have
28 port pilots available?

29 A. Yes.

30 Q. And eventually what arrangements were



1 made? Can you just give us an outline?

2 A. There were arrangements made that
3 these pilots would be ---

4 Q. What I am driving at is was that
5 arrangement made with the support of the Shipping
6 Federation and more or less control of the Shipping
7 Federation, or was it made purely locally by local
8 agents?

9 A. It was made by local agents with the
10 support of the Federation, of course.

11 Q. But you had no actual supervision or
12 control of the way it eventually operated?

13 A. No.

14 Q. I understand, Captain, that you con-
15 firmed your discussions with Mr. Griffiths in a letter
16 dated October 29th, 1958?

17 A. Yes.

18 MR. BRISSET: I would like you to file
19 a copy of this letter as Exhibit 1247.

20 THE SECRETARY: This is 1248. While we
21 are on Exhibit 1247, what was the description of
22 Exhibit 1247?

23 THE CHAIRMAN: Copy of notice.

24 THE SECRETARY: I have not seen it yet.

25 MR. BRISSET: Notice by the International
26 Organization of Masters, Mates and Pilots dated
27 September 1st, 1958, that pilotage services were
28 available.

29
30 ---EXHIBIT NO. 1247: Notice of the International
Organization of Masters, Mates
and Pilots dated Sept.1,1958.



1 MR. BRISSET: Now I ask you to file as
2 Exhibit 1248 copy of your letter of October 29, 1958,
3 to Mr. Griffiths of the Toronto Harbour Commission.

4
5 ---EXHIBIT NO. 1248: Copy of letter dated October
6 29, 1958, to Mr. Friffiths.

7 Q. Captain, I have a recollection that
8 Mr. Griffiths in his evidence before this Commission
9 stated that it was pure coincidence that you had the
10 same ideas as he had with regard to pilotage in the
11 harbour of Toronto. Do you recall this?

12 A. Yes. Only he put it into effect
13 about three years later after receiving that letter.

14 Q. At the same time as you conferred
15 with the Toronto Harbour Commission did you also con-
16 fer with the Hamilton Harbour Commission?

17 A. Yes, I did.

18 Q. To what effect?

19 A. I put the same position up to Mr.
20 Morgan of the Hamilton Harbour Authority, and he was
21 very enthusiastic, and as a matter of fact gave the
22 proposal effect immediately. He took a man on his
23 staff who was part-time assistant harbour master and
24 part-time pilot when it was required. Eventually I
25 believe they had two employees employed under the
26 same conditions in Hamilton, and that pilotage system
27 in Hamilton is still in effect and has been ever since.

28 Q. On a non-compulsory basis?

29 A. Yes.

30 Q. Generally what use can you tell us is
made of this service by your member ships, ocean ships?



1 A. The ocean ships are very enthusiastic
2 about this service because it is an efficient service.
3 thoroughly
4 These men are / familiar with the port, and there
5 are practically no delays to ships even in foggy weather
6 going in and out of Hamilton. They are real pilots
7 thoroughly
8 and / familiar with the port, and it is an asset
9 to shipping going into the port of Hamilton.

10 Q. You have just mentioned that these
11 pilots have been taking the ships in and out even
12 in foggy weather?

13 A. Yes.

14 Q. Actually when lake pilots are used,
15 what has been your experience or the experience of
16 your members to your knowledge with respect to taking
17 in ships or taking out ships in foggy weather?

18 MR. LALONDE: I have to object.

19 THE WITNESS: There have been delays.

20 MR. LALONDE: I certainly object, my lord.
21 This witness has been talking, beating around the bush
22 and talking about all kinds of things of which he has
23 no direct knowledge. If my friend wants to bring
24 witnesses in ---

25 THE CHAIRMAN: That is all right. It was
26 to his personal knowledge.

27 MR. LALONDE: But he hasn't been on a
28 ship for the last twenty years.

29 THE WITNESS: To my knowledge, my lord,
30 there have been delays on account of the use of the
lake pilotage system. Ships have been delayed going
into the port of Hamilton. Delays that wouldn't have



1 occurred if harbour pilots had been used on these
2 ships.

3 THE CHAIRMAN: How do you come to
4 know about that?

5 THE WITNESS: From reports I have
6 had from Hamilton from time to time, and I received a
7 report just recently about that situation from Mr.
8 Morgan. I don't know if I have it in my records here,
9 but I would be prepared to file that.

10 THE CHAIRMAN: Is it a letter?

11 THE WITNESS: Yes, my lord.

12 THE CHAIRMAN: So you might bring
13 the letter?

14 THE WITNESS: Yes.

15 MR. BRISSET: Shall we give it a
16 number now?

17 THE CHAIRMAN: That is all right.

18 MR. LANGLOIS: Did you receive many
19 such reports?

20 THE WITNESS: Yes, there has been one
21 or two.

22 MR. LANGLOIS: One or two, in how
23 many years?

24 THE WITNESS: Well, I mean to say
25 they don't continually complain to the Federation about
26 their problems.

27 MR. LANGLOIS: You are speaking of
28 your own knowledge, how you came to know about this
29 situation, so that you have received only two reports
30 in how many years?



1 THE WITNESS: I wouldn't like to say,
2 my lord, how many reports, but there has been corres-
3 pondence on that from Hamilton to the Federation from
4 ships' agents in Hamilton about the unsatisfactory
5 situation in Hamilton with the lake pilots system.
6 I couldn't say how many, but I know there were some.

7 MR. LALONDE: You said one or two.

8 MR. LANGLOIS: One or two since 1958?

9 THE WITNESS: I couldn't say how many.
10 I will change that.

11 MR. LANGLOIS: You have received these
12 reports. Have you investigated these reports as to
13 their correctness?

14 THE WITNESS: I have no doubt about
15 their correctness. They were given to me by very re-
16 liable authorities.

17 MR. LANGLOIS: You have not investi-
18 gated them? Yes or no, please.

19 THE WITNESS: No, I haven't investi-
20 gated them.

21 MR. LANGLOIS: Very good. Thank you.

22 Q. Captain, you are still interested in
23 pilotage on the Great Lakes, are you not?

24 A. Definitely so.

25 Q. Aren't you keeping a very close tab
26 on what is happening?

27 A. Very much so.

28 MR. BRISSET: So we will file as
29 Exhibit 1249 exchange of correspondence between the
30 Hamilton Port Authority and the Shipping Federation



1 with regard to delays due to pilots in the harbour.

2
3 ---EXHIBIT NO. 1249: Exchange of correspondence
4 between Hamilton Port Authority
5 and the Shipping Federation.

6 Q. Did you confirm your discussion with
7 Mr. Morgan by letter?

8 A. Yes.

9 Q. As you did with Mr. Griffiths?

10 A. Yes, I did.

11 MR. BRISSET: Would you kindly file
12 as Exhibit 1250 -- or perhaps we could attach it to the
13 other?

14 THE CHAIRMAN: Yes.

15 MR. BRISSET: Would you file as part
16 of Exhibit 1248 a copy of your letter also dated October
17 29, 1958, to the General Manager of the Hamilton Har-
18 bour Commission, Mr. C. W. Morgan?

19 --- (Copy of letter dated October 29, 1958, to Mr.
20 C. W. Morgan filed as part of Exhibit 1248).

21 THE CHAIRMAN: Is that the reply
22 to Hamilton or Toronto?

23 THE WITNESS: Both. Both to Hamilton
24 and Toronto.

25 MR. BRISSET: Copies of his letters
26 to both Toronto and Hamilton Harbour Commissions, the
27 same date, October 29, 1958.

28 Q. Captain, to proceed with the events
29 related in your brief, I would like you to file as
30 Exhibit 1250 a copy of the release or circular letter



1 of October 28th by the Seafarers International Union
2 of North America.

3 MR. LALONDE: Before this is filed,
4 was this sent to the Shipping Federation of Canada?

5 MR. BRISSET: To the members of the
6 Shipping Federation.

7
8 ---EXHIBIT NO. 1250: Copy of circular letter dated
9 October 28, 1958.

10 Q. Copy of the release or circular
11 letter dated October 28, 1958, by The Seafarers Inter-
12 national Union of North America to the members of the
13 Shipping Federation to which there is a reference at
14 page 28, the third paragraph of your brief. How did
15 this come into your hands, Captain?

16 A. From one of our members. I don't
17 just recall which one.

18 Q. Now, this letter as appears from it
19 refers to the Great Lakes Pilots Association as an
20 affiliate of the Seafarers International Union. Have
21 you any other evidence than that statement, Captain,
22 to your knowledge of this affiliation?

23 A. I don't believe so.

24 Q. The letter as appears from it was asking
25 your members to allow American pilots to train in the
26 area between Snell Lock to south of Ogdensburg in New
27 York. I would like to know what action you took in
28 this regard.

29 A. Well, it was not only action; it was a
30 policy of the Federation not to encourage American pilots



1 to train or qualify in that particular district. I
2 think it was explained before that through tradition
3 this had been a Canadian pilotage area.

4 We had very highly qualified pilots
5 and experienced pilots in that area, and there was an
6 excellent, good source of supply of very good material.
7 But for these reasons and other reasons that American
8 pilots were organized under labour unions, we certainly
9 did not encourage them in that area.

10 Now, the situation was that there had
11 been a number of American pilots that were licensed by
12 the Coast Guard to pilot as far as Montreal. These
13 licences, to keep them valid, the holder had to do
14 at least one trip within a two-year period in the dis-
15 trict or the area; not necessarily piloting, but do
16 one trip on a ship. It came to my notice that some
17 of these American pilots were getting aboard the
18 ocean ship, and I made representation to our members
19 that that must be discontinued.

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1 The only other source they had of having
2 their licence remaining valid was to the domestic
3 ships, particularly Canada Steamship Lines. So I
4 made representation to the General Manager of the
5 Canada Steamship Lines to discontinue this operation.
6 However, I had opposition on this particularly from
7 the President of the St. Lawrence/Kingston District
8 who was encouraging these men to come in. It is
9 extraordinary that now this same pilotage organization
10 has made representation to this Commission, strong
11 representation, about American pilots taking jobs
12 away from them. You will recall that representation
13 was made that these men are going down on American
14 ships to Montreal and taking American ships up from
15 Montreal.

16 MR. LALONDE: My lord, there again the
17 witness is talking about what the third party would
18 have been encouraging. We do not have any evidence
19 in that respect, in my submission. Secondly the
20 witness is distorting the fact when he is trying to
21 make a link between work actually done illegally
22 by Americans between Cornwall and Montreal and the
23 work performed by these pilots between Snell Lock and
24 Kingston.

25 THE CHAIRMAN: Yes, we recall very well
26 the evidence of what was complained about -- the illegal
27 piloting between Cornwall and Montreal.

28 MR. LALONDE: In Canadian waters.

29 MR. BRISSET: My lord, I had forgotten
30 to file an exhibit that went along with the last one.



1 Captain, I would like you to file as
2 part of Exhibit 1250 a letter addressed to you per-
3 sonally and to Mr. J. P. Boyle, who I take it was
4 then Chairman of the Pilotage Committee, by Mr.
5 Patrick J. Cullinan, Jr., Grand President of the
6 Licensed Tugmen's Protective Association of America,
7 dated November 1st, 1958, regarding permission for
8 members of this Association to train on vessels of
9 your members in the St. Lawrence River by boarding
10 at Kingston and Snell Lock as observers. Is this
11 the letter?

12 A. That is the letter, that is right.

13 MR. LALONDE: Permission by whom? Would
14 you read the relevant section about permission?

15 MR. BRISSET: "It has been suggested
16 that I drop you a line outlining a request for
17 our members operating on the St. Lawrence River.
18 First, let me state that I have cleared this
19 request with Captain Gene Guy Chartier of
20 Montreal. I thought it best that I discuss
21 this matter with him before making my request
22 as I did not want to interfere with your
23 peaceful and harmonious relations with his
24 organization."

25 MR. LALONDE: Well, there again I am sure
26 my friends will not lead us to believe that everything
27 that is in this document is necessarily true.

28 MR. BRISSET: It is very diplomatic
29 language.

30 "As you know the Licensed Tugmen and



1 Pilots operate throughout the Great Lakes
2 and we have one of our many locals situated
3 at Ogdensburg, New York. Our problem at
4 the present time and the reason for our re-
5 quest is that the U.S. Coast Guard Bureau of
6 Marine Inspection will not consider the
7 time our masters have been operating with
8 tugs on the St. Lawrence River as sufficient
9 to allow them to write for a pilot's licence
10 for the St. Lawrence River for over a 300-ton
11 vessel. This also applies for the men who
12 now hold master and pilot's papers for all
13 tons.

14 "We have been informed that it will be
15 necessary for our members to ride as observers
16 on the largest vessels on the Seaway in order
17 that they will become eligible to write for
18 pilotage papers for that tonnage. In view
19 of the fact that there are no American vessels
20 of sufficient tonnage travelling the St.
21 Lawrence we would like permission from you
22 to allow six or possibly eight of our members
23 of the St. Lawrence River area to board your
24 vessels at either Kingston or the Snell Lock
25 and ride as observers for the required number
26 of trips in order that they might write for
27 their extended pilot's licence."

28 And so forth.

29 MR. LALONDE: My friend will admit in
30 the circumstances this is not the best evidence



1 available.

2 MR. BRISSET:

3 Q. Anyway, it is at that request
4 that you took steps to prevent this from happening?

5 THE CHAIRMAN: Before you change the
6 subject, I am going to break for a few minutes.

7 ---Short recess.

8 ---Upon resuming.

9
10 MR. BRISSET: My lord, as Exhibit 1247
11 we have undertaken to file the correspondence with the
12 Hamilton Harbour Commissioners with respect to delay.

13 THE CHAIRMAN: No. 1248 is the ---

14 THE SECRETARY: Is the letter from the
15 Shipping Federation to the Toronto Harbour Commission.

16 THE CHAIRMAN: No. 1249 is the letter from
17 Mr. Morgan and 1248 is the letter from Mr. Griffiths
18 and the replies.

19 MR. LALONDE: And also to Mr. Morgan of
20 the Hamilton Harbour Commission on the same date,
21 October 28th, 1958.

22 COMMISSIONER RENWICK: That is No. 1249.

23 THE SECRETARY: My lord, may we review this
24 to have everything straight?

25 THE CHAIRMAN: Yes.

26 THE SECRETARY: I understand that 1248 is
27 a letter from Captain Matheson to Mr. Griffiths,
28 Toronto Harbour Commission. No reply has been filed.
29 It is just a letter -- correct?
30



1 THE WITNESS: Correct.

2 THE SECRETARY: And that in the case of
3 1249, which is the first perhaps, to follow the sequence,
4 it is the letter from Captain Matheson to Mr. Morgan
5 of Hamilton together with the exchange of correspon-
6 dence between the Shipping Federation and the Hamilton
7 Harbour Commissioners pertaining to lake pilotage,
8 which is being filed now, I take it.

9 MR. BRISSET: Well, I had intended to
10 file as one exhibit the two letters dated October 29th,
11 1958, to both the Toronto and the Hamilton Harbour
12 Commissioners and then as a separate exhibit under
13 1249 the correspondence with respect to delays.

14 THE CHAIRMAN: This is what I have here.

15 MR. BRISSET: Yes.

16 THE SECRETARY: I am correcting my
17 record accordingly.

18 ---Addition to Exhibit 1249: Correspondence between
19 Captain Matheson and the
20 Hamilton Harbour Commis-
21 sioners with respect to
22 delay.

22 MR. BRISSET: I would like to make a
23 further correction, Mr. Secretary. I had indicated
24 that the Hamilton Harbour Commissioners had written
25 to the Shipping Federation. Actually the letter is
26 a letter dated June 10th, 1964, from Mr. Morgan to
27 Mr. Alan Cumyn, the Director of Marine Regulations,
28 with a copy to the Shipping Federation. In other
29 words, the complaint was made directly to the
30 Department of Transport rather than to the Shipping



1 Federation and the Shipping Federation were advised.

2 MR. LALONDE: This would have been after
3 the witness would have appeared here?

4 MR. BRISSET: This is after the witness
5 appeared here -- June 10th.

6 Q. Now, Captain, you will recall that the
7 Chairman of the Senate Committee in his report fol-
8 lowing the hearings on Bill S 2096 had recommended
9 that the two governments were to reach agreement if
10 possible before December 20th, 1958?

11 A. Yes.

12 Q. As the date indicated was approaching
13 was there any discussion entered into between the
14 Shipping Federation and the Department of Transport
15 officers with respect to future negotiations or
16 current negotiations to take place between the two
17 governments?

18 A. Yes. There were extensive discus-
19 sions between the Federation and the Department of
20 Transport in that regard.

21 Q. There is a reference at page 29 of
22 your brief to meetings held on November 13th and 19th
23 between representatives of the Shipping Federation of
24 Canada and officers of the Department of Transport
25 wherein agreement was reached on what the policy of
26 the government should be in respect to pilotage on
27 the Great Lakes?

28 A. Yes.

29 Q. Have you, Captain, an exchange of
30 memoranda between your Federation and the Department of



1 Transport with respect to this agreement?

2 A. Yes, very extensive memoranda --
3 exchange of memoranda between the Federation and the
4 Department of Transport in that regard.

5 Q. I would like you, Captain, to file
6 in a bunch as Exhibit 1251 a copy of the following
7 documents. The first is a memorandum dated November
8 18th, to the pilotage committee of the Shipping
9 Federation on the meeting held at Ottawa on the 13th
10 November, 1958. Secondly, there is a report of the
11 Department of Transport on the meetings held on
12 November 13th and November 19th between the Shipping
13 Federation and officers of the Department. Finally
14 there is a letter dated November 17th, 1958, addressed
15 by Captain D. R. Jones to yourself regarding the
16 recommendations made by the Shipping Federation and
17 the agreement reached.

18 A. Yes.

19 ---EXHIBIT NO. 1251:
20 Memorandum dated November 18th,
21 1958. Report of the Department
22 of Transport on meetings held
23 on November 13th and November
24 19th, 1958. Letter dated
25 November 17th, 1958, from Captain
26 D.R.Jones to Matheson.

27 Q. Now, Captain, although these memoranda
28 are quite lengthy I believe you have summarized the
29 gist of these memoranda at pages 29 and 30 of your
30 brief; is that correct?

A. That is correct.

Q. Following the meetings I understand
that a letter was addressed by the Federation to Mr.



1 Cumyn on November 28th, 1958, re-stating the position
2 of the Shipping Federation with regard to the organiza-
3 tion of pilotage on the Great Lakes; is that correct?

4 A. Yes.

5 MR. BRISSET: I would like you now to
6 file this letter as Exhibit 1252.

7 THE SECRETARY: The letter is dated
8 November 28th?

9 MR. BRISSET: 1958, signed by J. P.
10 Boyle, Chairman of the Pilotage Committee, and addressed
11 to Mr. Alan Cumyn.

12 ---EXHIBIT NO. 1252: Letter dated November 28th,
13 1958, from J. P. Boyle to
14 Mr. Alan Cumyn.

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1 Q Now, in connection with this ex-
2 change of correspondence and the discussion held at
3 the meeting, or at least at the meeting of November
4 16th and November 19th, I would like to take up with
5 you two points, Captain. First of all, what was the
6 understanding of the Federation following these dis-
7 cussions with respect to the requirement that would
8 have to be complied with by officers of ocean ships
9 in order to qualify them for navigation on the open
10 waters of the Great Lakes?

11 A A knowledge of the Great Lakes rule
12 of the road and a knowledge of the English language
13 and a knowledge of the sailing tracks on the Great
14 Lakes.

15 Q Was it a fact also that these of-
16 ficers would have to hold certificates of competency
17 issued by their respective governments, depending on
18 the nationality of the ship?

19 A Yes, that was the understanding then.

20 Q Foreign-going licenses authorizing
21 them to navigate all of the waters of the world?

22 A That is right.

23 MR. LANGLOIS: Would that include
24 Formosan tickets.

25 Q Certificates satisfactory to the
26 Department?

27 A Yes, that was the understanding.

28 Q The Department would be the judge
29 as to whether the certificates issued by the Country
30



1 of the nationality of the officers were of the kind
2 recognized internationally?

3 A Exactly.

4 MR. LANGLOIS: My Lord, I wish to
5 thank Mr. Brisset for answering my question.

6 MR. BRISSET: I must admit my
7 ignorance. I know nothing about Formosan certificates.

8 MR. LANGLOIS: Well, you gave evi-
9 dence.

10 MR. BRISSET: Perhaps Mr. Langlois
11 is using Formosan certificated officers on his ships
12 and would know better than I do.

13 Q Was there any question at the time
14 of the necesssity of these officers to qualify to have
15 made trips on the open waters of the Great Lakes or
16 through the Great Lakes prior to the issuance of the
17 certificate of competency for open waters?

18 A Not as far as the Department of
19 Transport was concerned.

20 Q Well, your answer is perhaps some-
21 what ambiguous. Was there anybody else concerned
22 that raised this point to your knowledge?

23 A Only insofar as the interpretation
24 of the word "pilotage" is concerned. It was described
25 yesterday. The American point of view is where the
26 American officers are required to qualify for a pilot
27 license to do so many trips into the Great Lakes.

28 Q Now, at page 30 of your Brief in
29 the second paragraph you state that the Shipping
30



1 Federation had expressed misgivings with regard to the
2 issuance of what came to be called B licenses and you
3 advocated that the licenses be issued to the ships
4 themselves rather than to one individual officer .
5 What did you have in mind there? Why certify the ships
6 rather than certify one of the officers?

7 A Well, the view of the Federation at
8 that time, as explained to the Department of Transport,
9 it was the ship that was in question and not the person-
10 nel on the ship and that the ship when going through
11 or entering the Seaway in the first instance, at the
12 same time as the examination for equipment on the ship
13 was concerned, that the ship should also be inspected
14 as to navigational equipment and also as to the com-
15 petency of the officers in regard to the Great Lakes
16 rule of the road. If the ship was satisfactory in
17 that respect then rather than giving the license to
18 an individual the ship should be licensed.

19 Now, the mere fact that a person
20 is licensed we did not think was appropriate because
21 there had been reports of vessels going up through the
22 Seaway that were not properly navigationally equipped
23 as far as parts and pilot boats and other navigation,
24 necessary navigation equipment is concerned. We felt
25 strongly that such a ship that was not adequately
26 equipped should not be permitted to enter the Great
27 Lakes until she is properly equipped, until some com-
28 petent authority examined the ship and the personnel,
29 particularly the navigation personnel, to see that they
30



1 are familiar with the Great Lakes rule of the road
2 and then that the ships should be licensed, not the
3 man.

4 Q Captain, there has been mention
5 that at times ships have gone up the Lakes that were
6 not manned by competent officers or were not properly
7 equipped from the point of view of navigation. Am I
8 right in understanding that this is the type of stray
9 ship that you wanted to stop before it ever entered
10 the Seaway system?

11 A Exactly. They are isolated cases,
12 but until these ships are properly navigationally
13 equipped they should not be allowed in the Seaway,
14 and we would certainly support any such policy.

15 Q Even if one of the officers of that
16 ship would qualify for a B certificate. Am I right
17 in going that far?

18 A Exactly. The mere fact the officer
19 qualifies does not make the ship completely safe.
20 The ship has to have up-to-date pilot books and proper
21 navigational equipment on her. These are the things
22 when running pilotage that we tried to impress upon
23 the agents that they should look into before the ship
24 goes into the Great Lakes.

25 THE CHAIRMAN: This is being done
26 to a certain extent on the Seaway now. They are re-
27 questing the ships to be equipped with radio-telephone
28 prior to entering.

29 THE WITNESS: Yes, but there is no
30



1 inspection made as far as navigational equipment is
2 concerned. This is equally as important, My Lord.

3 THE CHAIRMAN: They are interested
4 only in radio and anchor buoys.

5 Q Now, Captain, we come to the year
6 1959 and the events of importance during that year.
7 One of the things which you mentioned on page 30 of
8 your Brief is the distribution by the Great Lakes
9 Pilotage Association of a circular letter addressed
10 to various shipowners of Europe offering pilotage
11 services on the Great Lakes. In this regard I would
12 like you to file as Exhibit 1253 is copy of a letter
13 dated January 5th, 1959, addressed by Captain J.N.
14 Andrews to the Manchester Lines in England. How did
15 this sample letter get into your hands? How did you
16 become aware of this?

17 A Oh, that was sent to the Federation
18 by one of our member Companies.

19
20 ---EXHIBIT NO. 1253: Copy of a letter dated
21 January 5th, 1959 from
22 Captain J.N. Andrews to
the Manchester Lines.

23 Q Captain Andrews, who had signed
24 this letter as the President of the Great Lakes
25 Pilotage Association of Canada, had not yet entered
26 the roster of pilots in the Port Weller-Sarnia District
27 at the time?

28 A That is correct.

29 Q In other words, he didn't serve
30 with you in 1958?



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A No.

Q Do you know whether the service offered by this Association at the time in the beginning of 1959 was ever put into operation in competition with your own?

A I have no knowledge that it has been.

Q Now, I take it, Captain, that following your discussions with the Department of Transport in the Fall of 1958 you expected that there would be discussions between the two governments, particularly on January 7th, the new pilotage Bill which was similar to the one quoted as 7515 and 2096, introduced in the House of the 86th Congress as HR 57?

A Yes.

Q This is, My Lord, Exhibit 1103. Also there was introduced in the Canadian Senate Bill S 3, to amend the Canada Shipping Act, including parts 6A Great Lakes Pilotage Bill?

A Yes.

MR. BRISSET: Mr. Secretary, under what number is this Canadian legislation filed?

THE SECRETARY: Bill S 3 was filed in Ottawa under No. 1191 on June 9th. Of course, Mr. Brisset, you will recall that at the opening of the hearing here in Toronto Bill C 80 and the others were filed.

MR. BRISSET: Yes, thank you.

Q Now, by the time these Bills were



1 introduced in both Countries were you informed of the
2 results of whatever negotiations might have been car-
3 ried on by the two governments?

4 A No.

5 Q You had no knowledge of what dis-
6 cussions had taken place and the results?

7 A No knowledge of what had transpired
8 between the two governments or the results.

9 Q I take it that, as mentioned on
10 page 31 of your Brief, this telegram of the 20th of
11 January was addressed to the Minister of Transport
12 who asked for a full disclosure of the policy of the
13 Government in what had been agreed to, if anything,
14 between the two governments?

15 A That is correct. As a matter of
16 fact I would like to add here that on account of the
17 Shipping Federation's experience in the Lakes in form-
18 ing what is now known as District No.2 we offered the
19 Department or requested the Department that we be
20 present as observers on these discussions between the
21 Canadian Government and the United States Government.
22 When that was rejected we offered to be available in
23 Washington during the time these discussions were
24 going on in the event that the Department felt they
25 would like some discussion with us on account of our
26 background with pilotage but these offers were not
27 accepted by the Department of Transport.

28 Q Now, Captain, you have quoted on
29 page 31, 32, 33, and 34 of your Brief the reply to the
30



1 various questions which you had addressed to the
2 Minister of Transport in connection with the policy of
3 the Government and these speak for themselves and
4 unless the Commission would like to have the original
5 letter received from the Department I propose to just
6 leave the matter as is.

7 THE CHAIRMAN: Mr. Lalonde, do you
8 wish to add anything?

9 MR. LALONDE: No, My Lord.

10 Q I would like, however, to draw your
11 attention to the answer to Question No. 6.

12 A What page is that?

13 Q On page 33. It deals with the
14 qualifications required of officers of ocean-going
15 vessels to qualify them or to entitle them to navigate
16 in the open waters.

17 A Yes.

18 Q Now, was there any change in these
19 qualifications as stated in this answer from what they
20 were at the time of your negotiations and discussions
21 with the Department in November of 1958?

22 A No, that is substantially the
23 same.

24 Q In other words, there was no
25 question as yet of two trips required, two prior trips
26 required into the Lakes to qualify these officers?

27 A That is correct.

28 Q Now, what was the reaction of the
29 Shipping Federation with regard to Bill S 3, and were
30



1 any steps taken to make representations to the
2 Government on this or to go as far as to request that
3 it be withdrawn; particularly, if I may be suggestive
4 here, do you recall meeting with the then Minister of
5 Transport when this Bill was discussed?

6 A Yes.

7 Q And what was the request of the
8 Federation in the private meeting with the Minister?

9 A That the Bill be withdrawn and
10 eventually as a result no doubt of our representation
11 at that time the Bill was practically withdrawn.

12 Q You refer also to an address by the
13 Honourable Lionel Chevrier in the House opposing the
14 Bill on the ground it would be playing into the hands
15 of the opponent of the Seaway. I suppose this also
16 helped in bringing about the withdrawal of the Bill
17 eventually?

18 A Yes.

19 MR. BRISSET: I think the report
20 of Hansard recording the address of the Honourable
21 Mr. Chevrier is no doubt before the Commission.

22 THE SECRETARY: Yes, Exhibit 1191.
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1 MR. BRISSET: It is also recorded,
2 I should say, my lord, in the proceedings before the
3 Committee of the U. S. Senate on the hearings recording
4 Bill HR-57, and we quoted in the brief of the Shipping
5 Federation practically the whole of the address of Mr.
6 Chevrier, and this is to be found at pages 129 and
7 following of the transcript of these proceedings.

8 Q. Captain, you also attended with members
9 of your Pilotage Committee at the hearings before the
10 Committee of Merchant Marine and Fisheries of the House
11 of Representatives 86th Congress when HR-57 came ^{up} for
12 study and consideration?

13 A. Yes.

14 Q. Again the Bill which was similar to
15 the previous legislation I take it was supported, as
16 the record shows, by Vice-Admiral Spencer, Vice-Admiral
17 Richmond and Captain Rolla Johnson, but at this time it
18 was opposed by the Commerce Department and the State
19 Department along with the Shipping Federation and its
20 affiliate associations?

21 A. Yes. We got support from these two
22 U.S. Departments at that time, for the first time.

23 Q. The Canadian Government also, I under-
24 stand, opposed the Bill and submitted Aide Memoire,
25 which is recorded in the Minutes of the proceedings?

26 A. That is correct.

27 Q. That Bill, I take it, Captain, eventually
28 died a natural death as the following year new legisla-
29 tion was introduced by the Department of Commerce it-
30 self?

A. That is correct.



1 Q. Captain, at the beginning of the
2 season of 1959 we have already in evidence that the
3 Department of Transport finally took over the Port
4 Weller-Sarnia District, and I would like you to give
5 us a brief story of the events which preceded that
6 taking over.

7 A. Well, at that time it was quite frus-
8 trating as far as the Shipping Federation was concerned
9 in its dealings in this connection with the Department
10 of Transport.

11 Q. In what way was there frustration,
12 to use your own expression?

13 A. The Department would inform us at one
14 time -- I just don't recall the dates, but I think they
15 are recorded -- that they were going to take over the
16 district, and then they would change their mind and
17 say no, they can't do it. Again they would come back
18 and say, we are going to take it over, and as a matter
19 of fact on one occasion they told us they were going
20 to take it over and arrangements were made to give
21 the pilots that were serving in the pilotage area at
22 the time which was known as District No. 2 now, refer-
23 ences which they could submit to the Department.

24 That was done, but when the Department
25 would change its mind about taking over the district,
26 these references were sent back to the pilots.

27 Of course it was frustrating in this
28 respect that if we were going to continue operating the
29 District, then there were things that were necessary to
30 be attended to such as convening meetings with the



1 pilots and negotiating the rates of pay and conditions
2 in the District, to renew our arrangement with the
3 dispatchers and arrangements we had with the boatmen
4 at Sarnia, and for that reason that is why I say it
5 was rather difficult for us when the Department
6 couldn't make up its mind. But eventually the De-
7 partment decided to take the operation over from the
8 Federation.

9 THE CHAIRMAN: I see from a letter in
10 your brief at page 31 from Mr. Baldwin, page 33,
11 Question 7, you say there that the reason for the
12 delay was that they waited for Part VIA to be
13 approved by Parliament so therefore they could not
14 take over until this was approved.

15 MR. BRISSET: Yes, that was February 2,
16 no decision had as yet been taken.

17 THE CHAIRMAN: Because they waited for
18 Part VIA to be approved by Parliament.

19 Q. However, at the end of February,
20 1959, Bill S-3 was withdrawn, but nevertheless
21 subsequently on March 4 or the beginning of March I
22 think the Department decided to take over the district;
23 is that about correct? Some time about the beginning
24 of March?

25 A. Early in March.

26 Q. In this connection I would like you
27 to file as Exhibit 1254 copy of a letter dated March
28 19th, from Captain D. R. Jones to yourself, to the
29 effect that it was not possible for the Department to
30 take over the Port Weller-Sarnia organization in time



1 for the opening of navigation, and attached to the same
2 document, an advertisement that appeared in the Montreal
3 Star, April 2nd, 1959, of the Director of Administra-
4 tion and Personnel, Department of Transport, requesting
5 applications of pilots for the Port Weller-Sarnia
6 District.

7 A. In answer to your previous question,
8 I think it was early April, not March, that we were
9 told definitely that the Department were taking over
10 the District.

11 Q. Yes, but on March 17th you were told
12 that it could not.

13 A. That is right.

14 Q. And you say on March 4th references
15 were given to the pilots to permit them to make appli-
16 cation to serve in the district with the Department?

17 A. That is right.

18 Q. So that there must have been a decision
19 to take over early in March?

20 A. As I say, there was a decision at one
21 time, and that was reversed, that they were not going
22 to take it over, and it was rather confusing. But
23 I think the decision was actually taken by the Depart-
24 ment in April.

25 THE CHAIRMAN: What is the date of
26 the advertisement?

27 MR. BRISSET: The advertisement is
28 dated April 2nd, 1959, and it was published in the
29 Montreal Star.

30 ---EXHIBIT NO. 1254:

Copy of letter dated March 17
from Capt D.R. Jones with attach-
ed copy of advertisement from



1 Montreal Star dated April 2nd,
2 1959.

3 Q. So then on April 2nd, at all events,
4 the Department had decided to take over?

5 A. Yes.

6 Q. And did in fact take over?

7 A. We understood then that they were
8 going to take over. Before that we didn't know whether
9 they were going to take over or not.

10 Q. Now, what happened from the time
11 the Department decided to take over, at least from
12 April 2nd, with respect to the changeover from your
13 organization to their organization as far as you
14 know? For instance, what happened to your pilots
15 who were serving the year before?

16 A. All the pilots or anyone wishing to
17 serve with the Department of Transport had to apply to
18 the Department of Transport and send in their testi-
19 monials. As a matter of fact, one pilot wanted to
20 know why after having served in the district and being
21 a sailing master for some years previous he had to
22 make application to the Department again to get his
23 job back.

24 Q. Anyway, did you assist in these
25 applications by your pilots? You, yourself?

26 A. How do you mean "assist"?

27 Q. Did you give them references?

28 A. Yes.

29 Q. Did you have anything to do with it,
30 or did you just wash your hands of the whole thing?



1 A. We asked the dispatcher to give
2 references to those pilots who asked for them so that
3 they could apply to the Department of Transport.

4 Q. What other interest did you take,
5 if any, in the transfer?

6 A. We made strong representations to the
7 Department that these pilots who were previously in the
8 area and in the district and had served efficiently
9 and well and faithfully, that they should be employed
10 without question in the new set-up.

11 Q. What was the result of these repre-
12 sentations?

13 A. Well, the result was anything but
14 satisfactory.

15 Q. In what way?

16 A. Only a few of the original pilots
17 serving in the district were taken on, and as a matter
18 of fact, a number of pilots that were harassing our
19 ships and our pilots the previous year were taken
20 on by the Department of Transport. In other words,
21 there was a glaring example of politics at play.

22 MR. LALONDE: Maybe it was an example
23 that the men were more competent.

24 THE WITNESS: No, sir. Politics.

25 MR. LALONDE: That is your opinion.

26 MR. BRISSET: They had had a year's
27 rest is what my learned friend is suggesting ---

28 MR. LALONDE: They were in better
29 shape.

30 THE CHAIRMAN: Before you go further,



1 just to place myself into events, we were talking all
2 the time about District No. 2. What was happening
3 in 1958 and 1959 to District No. 3 about St. Mary's
4 River and also the Lakehead?

5 MR. BRISSET: We are coming to that,
6 my lord.

7 THE CHAIRMAN: That will be covered?
8 That is all right.

9 Q. However, eventually did the pilots
10 who served with you in the year 1958 come to be
11 accepted during the course of the year 1959?

12 A. Eventually.

13 Q. And taken on to the roster of pilots
14 then serving the ships?

15 A. Yes, eventually they were taken on.

16 MR. BRISSET: I think, my lord, this
17 appears with the date of each enrolment from the
18 records of Mr. and Mrs. Crawford, Exhibit 1077. On
19 the last page, or at least in these records the date
20 each of the pilots was appointed is shown.

21 THE CHAIRMAN: Am I wrong in thinking
22 that there was a procedure followed in the engaging of
23 the pilots by competition, by exams, public notices?

24 Q. Well, was there an examiner appointed
25 to your knowledge?

26 A. Yes, there was an examiner appointed.

27 Q. Who was that gentleman?

28 A. Norman S. Johnston who testified before
29 this Commission.

30 THE CHAIRMAN: Was he the sole



1 examiner, or a Board?

2 THE WITNESS: No.

3 MR. LALONDE: I think we have in
4 evidence from Captain Johnston that it was a Board of
5 three.

6 THE CHAIRMAN: I would like to know
7 what Captain Matheson knows about it.

8 THE WITNESS: I know there was a Board.
9 It was three.

10 THE CHAIRMAN: So you say there was
11 politics in that Board because you say that the choosing
12 of the pilots was the result of politics or influence
13 or something like that?

14 THE WITNESS: It was evident to us
15 that the pilots who were obstructing our ships and
16 harassing the ships were supported by politicians,
17 and I think we made representations along these lines
18 to the Department of Transport.

19 THE CHAIRMAN: In writing?

20 THE WITNESS: I believe so. We cer-
21 tainly did as far as our dispatcher was concerned who
22 served us well and efficiently, both Captain and Mrs.
23 Crawford, who lost their jobs at the same time.

24 Q. I don't want to leave the record in-
25 correct. We have evidence that Mr. and Mrs. Crawford
26 I think served in 1959?

27 A. Yes, in 1959. It was later ---

28 Q. That there was a change made?

29 A. Yes.

30 Q. They did not lose their jobs in 1959?



1 A. No.

2 Q. That is what I wanted to correct. You
3 said you made representations particularly with respect
4 to Captain Crawford during that period when the service
5 was taken over or after it was taken over by the
6 Canadian Government. Would you give us a little more
7 details about this? What were the reasons for these
8 representations, and generally what did happen to
9 your knowledge that brought you to make representations
10 to the Minister in regard to Captain Crawford?

11 A. Well, we were advised that the De-
12 partment -- that was in the following year.

13 Q. In 1960?

14 A. What is the date of that telegram?

15 Q. I would like you to refer to telegram
16 dated July 24, 1959, signed by Mr. Mearns, addressed to
17 the Honourable George Hees, and I would ask you to
18 explain the reason for the telegram?

19 A. Well, we received information that
20 the position which Captain Crawford had at the time
21 was being taken over by another source, and this
22 disturbed us very, very much, and hence the reason
23 for this telegram to the Minister.

24 Q. What was the result of your telegram
25 to the Minister?

26 A. The result that Captain Crawford was
27 taken on as a pilot.

28 Q. I thought he was the dispatcher in
29 1959?

30 A. He was eventually taken on as a pilot.



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Matheson, dir
(Brisset)

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1 MR. LANGLOIS: Would the witness
2 file the telegram?

3 MR. BRISSET: Yes. Would you file
4 this telegram as Exhibit 1255? The telegram is
5 dated July 24, 1959.

6
7 ---EXHIBIT NO. 1255: Telegram dated July 24, 1959,
8 to The Honourable George Hees.
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1 Q Now, Captain, in 1959 the Seaway was
2 then opened and bigger ships were coming into the system
3 of the Great Lakes. I take it that more ships were
4 going up to the Head of the Lakes, Fort William and
5 Duluth, and I would like you to tell us whether any-
6 thing was done by yourself or your Federation with re-
7 spect to the establishment of pilotage services in the
8 St. Mary's River and the ports of Duluth, Fort William
9 and Port Arthur.

10 A Yes.

11 Q Would you give us an outline of what
12 was done in this regard?

13 A I think I have previously explained
14 before this Commission that in 1938 the traffic going
15 into Lake Superior did not warrant any particular
16 special arrangements for pilotage into that area.
17 There were only a few ships going in.

18 Q When you said 1938 I gather you
19 meant 1958?

20 A 1958, of course.

21 THE CHAIRMAN: That is, ocean-going?

22 THE WITNESS: Ocean-going, and the
23 arrangement then was that they were supplied with pilots
24 at Sarnia that would take them right through to Duluth
25 or the Lakehead and return with them.

26 THE CHAIRMAN: That is from where?

27 THE WITNESS: From the Port Weller/
28 Sarnia area. Of course, with the opening of the Seaway
29 there was a big increase in tonnage into Lake Superior
30



1 in 1959. Consequently arrangements had to be made to
2 establish pilotage, particularly between Detour and
3 White Fish Bay and also in the Port of Duluth and the
4 port of Fort William and Port Arthur.

5 There had been a group of pilots,
6 three or four pilots in Duluth that were operating in
7 Duluth and had extended their sphere of operation into
8 the "Soo" between White Fish Bay and Detour. However,
9 the thing was not organized and there were a lot of
10 loose ends and some of our ships were being delayed and
11 not getting proper service.

12 So I went up there with the purpose
13 of getting this properly organized. Of course, we had
14 the fear also that elements that were explained before
15 -- for instance, Captain Rolla Johnson and his Masters,
16 Mates & Pilots -- would get in there and organize these
17 pilots. So we were concerned about getting responsible
18 control of the pilotage in that area. That was the
19 purpose of my visit to the Soo and then on to Duluth
20 where a pilotage office was established.

21 I first made an approach to the
22 harbour of Duluth authorities and asked them if they
23 would take control of the pilotage there. But I did
24 not meet with very much success, so the only other
25 alternative was to consult with all the shipping agents
26 in the port of Duluth and have them agree between them-
27 selves that one of the companies or an individual in
28 one of the companies would be responsible for the op-
29 eration of pilotage in Lake Superior. And this was done
30



1 Q I take it that this gentleman was
2 Mr. Mann?

3 A No. That was at Fort William.

4 Q Oh, I am sorry.

5 A In Duluth it was -- I just forget
6 the name -- Mr. Svensson. I forget the name of the
7 Company. He had his own company in any event. He had
8 control of it in Duluth. Also proper arrangements
9 were made for dispatching pilots in the Soo itself.
10 There was a direct line to the residence where the
11 pilots lived near White Fish Bay and through this this
12 arrangement was tied in with the operation at Sarnia.

13 After that was organized I then pro-
14 ceeded to the Lakehead and contacted the harbour
15 authorities there and asked them if they would administer
16 port pilotage. They agreed with the need for such a
17 service but they were reluctant to have anything to do
18 with it. So the same arrangement that was made at
19 Duluth was made at Fort William. There were only two
20 agents there and it was agreed that the principal
21 agent would act as pilotage representative.

22 Q Pilotage authority perhaps is the
23 word.

24 A And that was in operation then for
25 some time until such time as this bill was given effect
26 and a joint agreement between both countries established
27 pilotage in Lake Superior in the form of District No.
28 3.

29 Q When this occurred I take it that
30



1 pilotage services in the twin ports of Fort William and
2 Port Arthur were furnished by the Lake Superior Pilots
3 Association that formed a pool for that district?

4 A That is correct.

5 Q In spite of this arrangement did you
6 continue pressing the harbour authority to institute
7 their own pilotage services in line with the type of
8 service given in the ports of Toronto and Hamilton?

9 A Well, when the harbour authority at
10 the Lakehead refused to take control of pilotage I do
11 not think there was any further representation made to
12 them. It was put in the hands of Captain Mann. I can-
13 not recall making further representations to the harbour
14 authority until ... My next visit to the Lakehead, of
15 course, was in 1960 after District No. 3 had been formed
16 under the joint agreement. There was difficulty with
17 pilotage --

18 Q That would be in 1961?

19 A 1961, yes. By that time the Canadian
20 Government had appointed three Canadian pilots into
21 District No. 3 and there were considerable difficulties
22 with port pilotage at the Lakehead. Early in 1961 Mr.
23 Cumyn and Captain Jones of the Department of Transport
24 decided to go to the Lakehead and investigate it, and
25 I was invited to accompany them.

26 Q Will you tell us of the result of
27 your investigation? What did you find and what dis-
28 cussions did you have with the local commission?

29 A Well, the situation was most
30



1 unsatisfactory. District No. 3, the Lake Superior
2 Pilots' Association, on representation by the Federation
3 to Captain Meschter, placed a man permanently in Fort
4 William. But this did not work out very well because
5 other pilots were moving ships.

6 I just forget the details, My Lord,
7 but there were difficulties there and this pilot was
8 withdrawn by the Lake Superior Pilots' Association,
9 which left the port without pilotage and it fell on the
10 lot of this agent Captain Mann to get men to keep the
11 ships moving in the port.

12 I do recall when we interviewed the
13 harbour authority, or the representative of the harbour
14 authority (I just forget his name now; he testified be-
15 fore this Commission in Toronto.) -- he was very en-
16 thusiastic about the suggestion that the harbour
17 authority control pilots in that harbour.

18 Of course, by this time the Lake
19 Superior pilotage, or the joint agreement was in effect
20 and it was not possible.

21 Q I think it was this gentleman who
22 said it was not possible because of the legislation,
23 but if it were not for the legislation then he would
24 go for it; is that right?

25 A Yes. I was very much surprised at
26 his change of mind in this regard when he testified
27 before this Commission in Toronto here. I think that
28 completes the story.

29 Q In what way were you surprised;
30



1 can you amplify this?

2 A Well, he had lost his enthusiasm for
3 the concept that pilotage should be controlled by the
4 harbour authorities.

5 COMMISSIONER SMITH: Yes, but,
6 Captain, he lost his enthusiasm but I think he went as
7 far as to say (I do not know his exact words; I do not
8 remember his exact words) but I think he went so far
9 as to indicate that they would do it if it was neces-
10 sary -- that they would not refuse to do it.

11 THE WITNESS: That is right, that
12 is right; but the point I am making, Mr. Smith, is that
13 he was much more definite than that when I interviewed
14 him in 1961 -- that he felt it was necessary that the
15 harbour authorities should control pilotage. That is
16 what surprised me.

17 THE CHAIRMAN: Maybe that was be-
18 cause the necessity at the time was more obvious than
19 it was in 1963. Maybe the system was working better
20 in 1963 than in 1961.

21 MR. BRISSET: Q What have you to
22 say to that?

23 A I do not think so, My Lord.

24 Q Why?

25 MR. LALONDE: Well, the witness
26 said so in the box. I will get the quotation exactly
27 of what he said. I remember very well he said he
28 felt with the experience they had, the system was not
29 working satisfactorily well.
30



1 THE CHAIRMAN: Now?

2 MR. LALONDE: Yes, 1962 and 1963.

3 He said there was a great improvement.

4 THE CHAIRMAN: Yes, I recall.

5 THE SECRETARY: Yes, but I understood
6 the witness to say he did not agree with this testimony.

7 THE WITNESS: That is right.

8 MR. BRISSET: Q As a matter of fact
9 is it not true that since these hearings have commenced
10 the gentleman who was appointed a dispatcher has re-
11 signed from his job or has lost his job because of some
12 difficulties that have occurred? Do you know anything
13 about this at the moment?

14 A Not at the moment.

15 THE CHAIRMAN: The Commission, I
16 think, has received a letter from Mr. Don Lucky.

17 MR. BRISSET: That is right.

18 THE CHAIRMAN: To the effect that he
19 had been fired as dispatcher. This letter could be
20 filed.

21 THE SECRETARY: It is already filed,
22 My Lord.

23 MR. BRISSET: Q Captain, I would
24 like you to file in connection with the arrangements
25 that were concluded at the time of your visits to the
26 Head of the Lakes the following documents as Exhibit
27 1256 -- a memorandum under your signature dated July
28 23rd, 1959 reporting on the establishment of the pilot-
29 age district in the St. Lawrence River area between
30



1 Detour and White Fish Bay following your visit there in
2 early July, as well as circular letters issued to your
3 members advising them of this establishment and recom-
4 mending to masters to use this service dated July 20th,
5 together with the instructions to be delivered to the
6 Masters of the ships proceeding into Lake Superior of
7 the same date, as amended by a subsequent circular
8 letter dated August 24th.
9

10 ---EXHIBIT NO. 1256: Memorandum dated July 23rd,
11 1959, circular letters
12 issued to Shipping Federation
13 members, dated July 20th,
14 1959 and instructions to
15 be delivered to Masters of
16 ships proceeding into Lake
17 Superior dated July 20th,
18 1959 amended by subsequent
19 circular letter dated August
20 24th, 1959.

21
22 Q Now, I take it Captain, that rates
23 came into consideration when this system was established
24 the
25 with/Lake Superior Pilots' Association? By "rates" I
26 mean tariffs to be charged to the ship?

27 A Oh, yes.

28 Q Would you explain how that was
29 arranged?

30 A I just forget that development now.
I will have to revise my mind. That is several years
ago. I have not looked at it since.

Of course, it is contained in a
circular letter that I sent out to all our members and
it provides that between Detour and White Fish Bay or
vice versa there shall be a flat rate of \$150. The



1 \$150 rate is all inclusive and includes pilot boat ser-
2 vices at Detour and White Fish Bay and other incidental
3 expenses.

4 The port pilotage at Duluth, for
5 each assignment a flat rate of \$50. The \$50 rate was
6 inclusive of pilot boat service. Port pilots Fort
7 William and Port Arthur, for each assignment a flat
8 rate of \$60. The \$60 rate includes pilot boat service.

9 Q All right. Would you file as part
10 of Exhibit 1256 a copy of this tariff which was then
11 evolved at the time the service was set up?

12 A Yes.

13
14 ---Addition to EXHIBIT NO. 1256: Copy of pilotage
15 tariff for Detour,
16 White Fish Bay,
Duluth, Fort William
and Port Arthur.

17 THE CHAIRMAN: It is past one. I
18 do not think the letter from Mr. Don Lucky was filed.
19 I have not found it. I think it came after our last
20 hearing here in Toronto.

21 THE SECRETARY: I will check this
22 point, My Lord, and I will so advise your Lordship after
23 lunch. I believe it was read into the record.

24 THE CHAIRMAN: Maybe it was read.

25 MR. LALONDE: By Mr. Jacques. The
26 quote I was looking for was by Mr. McCuaig at page 14858
27 of the transcript.

28 THE CHAIRMAN: We will adjourn until
29 two-thirty this afternoon.
30 ---LUNCHEON ADJOURNMENT



1 ---Upon resuming at 2.30 p.m.

2
3 THE SECRETARY: My lord, at the
4 recess you asked me to check on the resignation of
5 Mr. Don Lucky of Fort William.

6 THE CHAIRMAN: It is his fourth
7 resignation from what I gather.

8 THE SECRETARY: I checked the
9 exhibits and I find that it was filed here in Toronto
10 on April 9th, as Exhibit 1124.

11 MR. BRISSET: My lord, at page 36
12 of the brief of the Shipping Federation there is a
13 reference to the draft of a bill prepared by the
14 Federation submitted to the U. S. Government recom-
15 mending the appointment of an international com-
16 mission to control and administer pilotage in the
17 Great Lakes. The Secretary has reminded me that
18 we have not filed a copy of this draft Bill. I
19 would like to draw the attention of the Commission
20 to the fact that this draft Bill is quoted in the
21 Minutes of the proceedings, Bill 8R57, Exhibit 1103,
22 at page 157. This is the Bill which the Shipping
23 Federation submitted to the Committee to control
24 pilotage in the Great Lakes.

25 It might be interesting to add that
26 the Committee, when it passed the Bill in its original
27 form on July 30th, 1959, introduced into it an amendment
28 to the effect that it was authorizing the President
29 of the United States to invite the Government of
30 Canada to join in forming a joint commission to
administer pilotage in the Great Lakes; however, no



1 action was taken on this recommendation.

2 THE SECRETARY: Would Mr. Brisset
3 be in a position to indicate to the Commission now
4 whether this Bill was discussed between the Shipping
5 Federation and the Canadian authorities at Ottawa?

6 MR. BRISSET: Later on before the
7 Bill that was introduced in 1960 came to be available
8 the Shipping Federation also submitted to the
9 Department of Transport a draft Bill which, I believe,
10 was to some extent similar to the one I have just
11 referred to, with some improvements. I will come
12 to that in a minute. It was annexed to a letter
13 that was sent to Mr. Booth on the 15th of December,
14 1959, I think.

15 THE SECRETARY: Thank you, sir.

16 Q. Captain, I understand that you would
17 like to correct a mistake that crept into your evi-
18 dence this morning in connection with the tariff
19 applicable in the Port Weller-Sarnia District in
20 1958 compared to the current tariff for the same
21 area?

22 A. Yes. I was a bit confused when
23 the question was put to me with regard to the compari-
24 son between the tariff at the present time in District
25 No. 2 and that when the District was formed or the
26 pilotage area was formed by the Federation. It is
27 in testimony when the district was formed, or the
28 area was formed, the tariff was \$200 from Port Weller
29 to Sarnia. It is now \$350 and when it was formed it
30 was \$100 in the Welland Canal and it is now \$200.



1 Q. So that it would be \$150 now from the
2 southeast shore to Sarnia whereas it was \$100 in 1958?

3 A. That is right.

4 MR. LALONDE: Small ships.

5 Q. Now, Captain, the small ships that
6 were operating in 1958 and paying \$200 are still
7 paying \$350 today?

8 A. Yes. There is no difference in the
9 size of the shipping as far as the tariff in the
10 Great Lakes is concerned. It is the same for all
11 ships.

12 MR. LALONDE: Oh, yes. That is
13 why they are asking you to help the small operator.

14 MR. BRISSET: We are very grateful.
15 It is pointed out to me that there is no change in
16 the size of the pilots either!

17 Q. Captain, I would like to refer you
18 to page 39 of your brief where you speak of the
19 system of inspection of ships intending to go into
20 the lake. You have already said a few words on this
21 topic but I would like you to amplify this particular
22 point stating your reasons for the system of inspec-
23 tion that was put into effect and whether this system
24 of inspection after 1958 was kept on.

25 A. Yes. When the pilotage area between
26 Port Weller and Sarnia was formed we felt in adminis-
27 tering this pilotage area that we had responsibilities
28 to the ships going into the lakes; particularly, my
29 lord, as a big percentage of them then were ships
30 that were not in the lakes before and the crews had



1 little or no experience in the lakes. Consequently,
2 we urged upon the members and the agents representing
3 the ships going into the lakes that they have one of
4 the technical men go aboard the ship and make sure that
5 the ship had up-to-date charts and that there was a
6 rule of the road on board, that a copy was on board,
7 and also the pamphlet that the Shipping Federation
8 sponsored for the convenience of officers of ocean
9 ships going into the lakes.

10 Q. When you refer to pamphlet what did
11 you have in mind? Was that the circulars you were
12 issuing or something else?

13 A. I am talking about the forms that you
14 have in your hand.

15 Q. You mean the poster that was put up
16 in the wheelhouse about which we have heard earlier
17 contained a mistake?

18 A. Yes.

19 Q. I am speaking of the Exhibit, the
20 number of which I forget at the moment.

21 THE CHAIRMAN: Were the Rules of the
22 Road of the Great Lakes published by poster?

23 THE WITNESS: I will continue with
24 the answer and explain the other thing later. Fur-
25 ther precautions were taken in the event that any
26 ship got through without some technical person, some
27 responsible person from the shipping company getting
28 on board to confirm that the master had the necessary
29 navigational equipment on the ship. There was a
30 further check made of ships at Port Weller by Captain



1 Crawford. But if a ship got through without a
2 proper inspection then Captain Crawford was advised
3 immediately and instructed to go aboard the ship and
4 make sure the ship had the necessary charts on it and
5 a copy of the Rule of the Road for the Great Lakes
6 and our poster. If the ship did not have them then
7 Captain Crawford supplied the ship with them.

8 THE CHAIRMAN: That is in 1959?

9 THE WITNESS: That is in 1958, my
10 lord.

11 THE CHAIRMAN: But there was no
12 obligation on the part of the master to let this
13 inspection go on? You were not obliged to submit?

14 THE WITNESS: No. We insisted on
15 the grounds that we supplied a pilotage service for
16 the ship in the Great Lakes. We insisted through
17 our members that they comply with these rules and
18 regulations that we put out and then they cooperated
19 with the inspectors that went aboard the ship, the
20 technical men from the various companies, which, of
21 course, the master without exception was only too
22 happy to do.

23 THE CHAIRMAN: Do you tell me that
24 you held ships on account of that, because they were
25 not properly equipped?

26 THE WITNESS: No, my lord. We did
27 not go that far. Later on we would have done that.
28 At that time we didn't feel it was necessary to go
29 that far.

30 THE CHAIRMAN: Was that initiative



1 taken by you effective in any way?

2 THE WITNESS: Most effective, my lord.

3 THE CHAIRMAN: So when they came back
4 they were properly equipped?

5 THE WITNESS: Yes, my lord.

6 THE SECRETARY: The Rules of the
7 Road were filed as Exhibit 1112.

8 THE CHAIRMAN: We are talking about
9 the poster provided by the Shipping Federation.

10 MR. BRISSET: It was filed with
11 various circulars of the shipping masters. All right,
12 will you proceed?

13 THE WITNESS: In 1959 when the
14 Department took over the pilotage area between Port
15 Weller and Sarnia they adopted the same procedure and
16 form by the Steamship Inspection Branch of the
17 Department.

18 Q. Where were their men stationed, where
19 were these technical men stationed?

20 A. These technical men or steamship
21 inspectors were stationed at Montreal, a big number of
22 them, so that every ship was covered.

23 Q. Now when the steamship inspection
24 service took over had the Shipping Federation anything
25 to do with providing circulars and posters that were
26 provided earlier, or was that service taken over
27 completely by the Department of Transport?

28 A. We supplied the steamship inspection,
29 or these exhibits, with copies of our posters.

30 THE SECRETARY: Incidentally, Mr.



1 Brisset and the Commission, the poster in question
2 was filed as part of Exhibit 1078.

3 THE WITNESS: The steamship inspec-
4 tors put these posters on board the ship.

5 Q. Did you also provide circulars?

6 A. Circulars were also provided to the
7 steamship inspector.

8 Q. What did the circulars pertain to?
9 Would you give us a general idea? When you say
10 "circulars" what did they have to do with?

11 A. The circulars are already filed with
12 the Commission.

13 Q. These are the type of circulars
14 filed as Exhibit 1078?

15 A. Yes, circulars sent to members.
16 The members requested that the ships they represent
17 were supplied with these circulars prepared by the
18 Federation and myself.

19 Q. These circulars dealt with what
20 generally? I want to put that in the record.

21 A. It was instructions to the masters of
22 the procedures they have to follow in going right
23 through the lakes, as regards the ETA's, the advice
24 to give the pilot station, what was expected of them,
25 for instance going to Port Weller that they would be
26 required to go in at the tie-up wall. It was general
27 information that was necessary for any master going
28 into the lake and guidance.

29 Q. You say this was taken over by the
30 Department of Transport to the Steamship Inspection



1 Service in the year 1959?

2 A. That is right.

3 Q. Was the service continued throughout
4 the year?

5 A. No. Later on in the year this ser-
6 vice --- and we were rather disturbed at this situa-
7 tion -- this service was suddenly discontinued.

8 -

9 -

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1 A I think I got to know just by chance.
2 I was not informed about it from the Department that
3 this service was discontinued. I was rather concerned
4 at the situation, and on investigating the matter with
5 the Department of Transport I was told that it was a
6 fact; it had been discontinued, and that the Department
7 was obligated to discontinue this service on account
8 of the objection by the American Government. I am not
9 sure exactly -- I think it came from the State
10 Department -- as far as I can recall the report I got
11 was the State Department felt the Department of
12 Transport was jumping the gun on them as far as future
13 regulations pertaining to the Great Lakes is concerned.
14 Anyway this service was discontinued.

15 Q Was it reinstated to your knowledge
16 later on?

17 A We were very concerned about it. We
18 let the Department know that we were, and later on it
19 was reinstated.

20 Q Do you know when?

21 A I know when but I forget at the moment.
22 I did know but I forgot.

23 Q I believe the record, if you check it,
24 will show it was the beginning of the season, 1960, the
25 following year.

26 A Yes, I believe it was.

27 COMMISSIONER RENWICK: That would be
28 the inspection at Longe Pointe?

29 MR. BRISSET: No, that is the inspection
30



1 carried on at Montreal; steamship inspection, quite
2 different from the Seaway inspection, the one that was
3 described by the witness. The Seaway inspections still
4 were carried on. They were only to check on other
5 types of equipment, landing booms.

6 COMMISSIONER RENWICK: Telephones.

7 THE WITNESS: Yes. As a matter of
8 fact, to explain this thing further, it was our pro-
9 posal that both inspections should be combined;
10 the ship should not only be inspected for the gear
11 that is on the ship for going through locks, but she
12 should be inspected at the same time for navigational
13 equipment, and of course to assure that the officers
14 have got a knowledge of the Great Lakes rules of the
15 road. That has been our consistent proposal ever
16 since there was a pilotage area formed in the Lakes.

17 Q Actually, are you aware of whether
18 the two inspections eventually were joined or were
19 they carried out separately?

20 A No, they are carried out separately.

21 Q They have never been joined?

22 A Not to my knowledge.

23 Q During the course of the hearings
24 before this Commission it was pointed out that the
25 poster filed as part of Exhibit 1078 contained a
26 glaring mistake, and perhaps you could explain what
27 this mistake was and how it came about and whether it
28 was corrected.

29 A I don't know whether I can explain
30



1 it. I can certainly comment on that situation. This
2 was not a one-man effort. This was an effort, the
3 combination of various people and organizations, and
4 principally the Department of Transport. But I am not
5 referring to the Department of Transport that they had
6 anything to do with this mistake.

7 I am just illustrating, My Lord, that
8 every precaution was taken, and we consulted our
9 marine lawyers in Montreal and also in the States,
10 and other people, and I am quite sure the original
11 document was perfect. However, there is a typograph-
12 ical error crept into the poster, and there was a
13 large number of them printed with this error. The
14 error was noticed immediately. My telephone was really
15 burning up. I had advice from different sources, and
16 I think the Department of Transport was one of the
17 first that pointed up to me, "Well, this is not what
18 we approved."

19 I immediately withdrew all these
20 posters and notified Captain Crawford to board every
21 ship entering Port Weller area to take the posters off
22 the ships. Now, I made a technical error here in that
23 instead of having all these posters destroyed -- it
24 would have been the proper thing to do -- I had these
25 posters taken in and pasted over the error the
26 correction. No doubt that is on account of my Scotch
27 nature. I should have destroyed them all and got new
28 ones but I didn't do it. I can't understand how
29 counsel happened to have one of these that was not
30



1 corrected. It must have been the only one that was
2 available in Canada at that time and for years. How-
3 ever, he had it available and he produced it here,
4 and that is the story.

5 MR. BRISSET: With the permission
6 of the Commission, may I substitute --

7 MR. LALONDE: Certainly not. Not
8 substitute. You can add one.

9 THE CHAIRMAN: Annex it.

10 MR. BRISSET: Annexed to the in-
11 correct one the correct one.

12 MR. LALONDE: You mean to imply
13 that the substitution of 1 to 2 was a typographical
14 error?

15 THE WITNESS: Yes.

16 MR. LALONDE: That the fellow who
17 read 1 wrote 2?

18 THE WITNESS: Yes. These things
19 happen.

20 CAPTAIN SLOCOMBE: Captain
21 Matheson has been generous. That error did come out
22 of the Department in the first place. I have checked
23 on this, and with red faces I have been told, yes,
24 it did slip out. It was an obvious error. When any-
25 body saw it they saw it, but it did come out of the
26 Department. It went through a lot of hands, of
27 course, and nobody else noticed it.

28 MR. LALONDE: So therefore it
29 couldn't be quite a typographical error.
30



1
2 CAPTAIN SLOCOMBE: It was not an
3 error in intent by a technical man. It was a typo-
4 graphical error. Certainly it was. A typist could
5 have put the wrong figure there and nobody noticed
6 it.

7 MR. LANGLOIS: The lesson to be
8 drawn from that, next time consult marine lawyers
9 from Quebec!

10 THE WITNESS: That was all a
11 mistake, sir.

12 MR. BRISSET: My Lord, at page 40
13 of the brief we refer to a vigorous campaign carried
14 on by the United States Coast Guard and Vice-Admiral
15 Spencer, advocating the enactment of the original
16 Great Lakes pilotage bill. I have here the text of
17 addresses and articles published by both Admiral
18 Spencer and Vice-Admiral Richmond, but I do not know
19 whether they would be of much interest to this
20 Commission. If they are, we can file some of them.

21 THE CHAIRMAN: As you know, every-
22 thing you file we read.

23 MR. BRISSET: Well, some of them
24 are quite long. Perhaps a statement would be accepted
25 without filing the speeches or articles.

26 THE CHAIRMAN: Very well.

27 MR. LALONDE: I won't challenge
28 that. I thought the editorials were only one way,
29 but I see there were some on the other side too.

30 MR. BRISSET: These were not



1 editorials. These were speeches before safety leagues,
2 traffic clubs, articles in Marine News and other publi-
3 cations under the name of the author. Not editorials.

4 Q Now, Captain, in the Fall of 1959
5 as the year was drawing to a close there was still a
6 vacuum insofar as pilotage legislation was concerned
7 in both the United States and Canada. In Canada Bill
8 S3 had been withdrawn; in the States Bill 57 had been
9 passed by the House but no further action taken?

10 A Yes.

11 Q I understand at that time you did
12 submit to the Department of Transport a draft legis-
13 lation or Bill to serve as guidance for them in their
14 future discussions with the United States Government.
15 That is correct?

16 A That is correct.

17 Q I would like you in this regard to
18 file as Exhibit 1257, copy of a letter dated December
19 15, 1959, addressed by your General Manager to Mr.
20 C.S. Booth, Assistant Deputy Minister.

21 A Yes.

22 ---EXHIBIT NO. 1257: Letter dated December 15, 1959.
MR. BRISSET: My Lord, we don't

23 have at the moment a copy of this draft bill. It fol-
24 lowed to some extent the one that had been submitted
25 to the House Committee. I am sorry, we have located
26 it.

27 COMMISSIONER SMITH: Mr. Brisset,
28 in connection with the Bills that have been presented
29 in both Washington and Ottawa, they are all mentioned
30



1 in the brief here in one place or another, but it
2 would be convenient for the Commission I think to have
3 them all in one place with a little bit of description
4 on them. If I could call them out, could you indicate
5 exactly, not in detail, but just the title, what they
6 are and whether they were withdrawn or passed? I
7 think it would help out.

8 THE CHAIRMAN: Could I suggest that
9 it might be very easy for Mr. Brisset just to make a
10 table of them including the title, the gist of it and
11 what happened?

12 MR. BRISSET: Yes.

13 THE CHAIRMAN: Three copies.

14 MR. BRISSET: Yes, if that would
15 be of assistance.

16 THE CHAIRMAN: Then we will file it
17 as an exhibit so we will have the title and the date,
18 of course, and the gist and purpose of it and what
19 happened.

20 MR. BRISSET: I will undertake to
21 furnish this.

22 THE SECRETARY: Could I have a
23 reference for the exhibit number?

24 MR. BRISSET: We could file it as
25 Exhibit 1258.

26 THE SECRETARY: The name of the
27 table?

28 MR. BRISSET: List of the pilotage
29 Bills introduced in the United States and Canada
30



1 having to do with pilotage in the Great Lakes from
2 the year 1957 to the year 1960.

3
4 ---EXHIBIT NO. 1258: List of pilotage Bills
5 introduced in the United
6 States and in Canada
(1957-1960)

7 MR. LALONDE: Are you filing also
8 the draft Bill of the Shipping Federation?

9 MR. BRISSET: Yes, I am coming to
10 that.

11 THE SECRETARY: Concerning the
12 International Commission?

13 MR. BRISSET: Yes. My Lord, I
14 would like to annex to Exhibit 1257 the letter of
15 December 15 to Mr. Booth from the Shipping Federation,
16 a copy of the draft Bill that was then submitted to
17 the Department of Transport. I have to explain that
18 it was a draft of the Bill which had already been sub-
19 mitted to the U.S. Committee of the House with some
20 modifications that had been worked out in the six-
21 month period or eight-month period that had elapsed
22 between the time the first Bill was submitted to the
23 Committee in May of 1959.

24 THE SECRETARY: This was the Bill,
25 Mr. Brisset, for the Joint International Committee?

26 MR. BRISSET: Yes. This Bill also
27 recommended the appointment of the Joint International
28 Commission.

29 THE SECRETARY: May I ask whether
30 you requested the views of the Department of Transport



1 at the same time as the Bill was submitted to them?

2 MR. BRISSET: We explained to the
3 Department of Transport the reasons for our recommend-
4 ations, but if my recollection served me properly I
5 think we were informed that there was no hope at the
6 time that the United States Government would accept
7 the concept of our International Commission.

8 THE SECRETARY: Was this verbal ad-
9 vice or in writing?

10 MR. BRISSET: I cannot say at the
11 moment, but I believe it was verbal during the course
12 of the discussions we had with Mr. Booth.

13 THE SECRETARY: Thank you very
14 much.

15
16 --- (Copy of Draft Bill submitted to the Department
17 of Transport annexed to Exhibit 1257)

18 MR. BRISSET: Even though the
19 House Committee had recommended it, this concept did
20 not find favour with the U.S. Government authorities.
21 In fact the Department of The Secretary of State and
22 the Department of Commerce the following year intro-
23 duced themselves another Bill which left out complete-
24 ly the concept of the International Commission.

25 My Lord, this letter of the
26 Shipping Federation to the Assistant Deputy Minister
27 is quite long, but briefly it restates merely the
28 position that was taken consistently by the Shipping
29 Federation both as regards what came to be called B
30 Certificates, the Federation explaining that it



1 considered that certification of the ship was consider-
2 ably preferable; it also dealt with the qualifications
3 of officers if B Certificates were to be issued to
4 them rather than the ship, and the same requirements
5 were set out. It also dealt with what should be de-
6 signated as restricted waters.

7 THE CHAIRMAN: Please do not take
8 my remark to you that we had to read everything you
9 are filing as wishing you to refrain from filing any-
10 thing because we prefer to read more and be sure not
11 to miss anything. That is what we want. If you think
12 that anything might be useful for us, please do file
13 it.

14 MR. BRISSET: Now, I might explain
15 here, perhaps, if I may instead of the witness as I was
16 very much involved in these events, that following
17 the submission of the Draft Bill that we had prepared,
18 we received from our associates in the United States,
19 counsel whom we have retained, the draft of the Bill
20 which the Commerce Department and the Department of
21 Secretary of State intended to present before the fol-
22 lowing Congress.



1 And this changed the complexion of the situation some-
2 what. We did not pursue any more the matter of the
3 draft Bill we had prepared providing for an inter-
4 national commission. We then restricted ourselves
5 to presenting the comments to Mr. Booth, the Assistant
6 Deputy Minister, on the proposed draft Bill to be
7 introduced in the United States at the following ses-
8 sion.

9 I would like to file a copy of a
10 letter dated December 28th, 1959, signed by Mr.
11 Mearns, General Manager of the Shipping Federation,
12 and addressed to Mr. C. S. Booth, Assistant Deputy
13 Minister.

14 THE SECRETARY: Mr. Brisset, before
15 leaving Exhibit 1257, may I be permitted to ask a
16 question for purposes of clarification?

17 MR. BRISSET: Yes.

18 THE SECRETARY: There is on page 4
19 of that letter of December 15th, 1959, Exhibit 1257,
20 in paragraph 4, as well as in your brief on page 41
21 at the top of the page a reference to what you call
22 a "qua-ship". May I have the meaning of "qua-ship",
23 please?

24 MR. BRISSET: What we have in mind
25 there was that the ship ---

26 THE SECRETARY: As if it were a
27 ship?

28 MR. BRISSET: That the ship herself
29 as a ship to be certified rather than an officer or
30 one of the officers of that ship.



1 THE CHAIRMAN: What Captain Matheson
2 explained this morning?

3 MR. BRISSET: Yes. The draft Bill ---

4 THE SECRETARY: Which is attached to
5 Exhibit 1257?

6 MR. BRISSET: No.

7 THE SECRETARY: I have not seen the
8 draft Bill.

9 MR. BRISSET: Oh, yes; here it is.

10 MR. JACQUES: Mr. Brisset, on page 5
11 of Exhibit 1257, the letter of December 15th, 1959,
12 there is mention in the fourth paragraph of a con-
13 fidential report which is supposed to be attached to
14 this letter. Would you have that report, Mr. Brisset
15 -- at the bottom of the fourth paragraph?

16 MR. BRISSET: I will have to check the
17 record in a moment. May I be permitted to delay the
18 answer to this until we have been able to check the
19 record?

20 MR. JACQUES: Very well.

21 MR. BRISSET: My lord, in the letter
22 of December 28th, 1959, where the Shipping Federation
23 commented on the draft Bill to be presented by the
24 Secretary of Commerce and the Secretary of State in
25 the United States in the next session of the Congress
26 -- the Shipping Federation, I said, commented on some
27 of the provisions of this Bill and offered recom-
28 mendations for amendments, but again it took ad-
29 vantage of the occasion to re-state its position to
30 the effect that it would be much better to certify the



1 ship "qua-ship" rather than the officer of a ship.

2 It also expressed its satisfaction in
3 that there seemed finally to be understood that there
4 was a difference in the meaning of the word "pilot"
5 and "watch-keeping officer". In other words, at
6 that time the problem of semantics that had plagued
7 the legislation seemed to have been resolved.

8 Nevertheless it was recommended that
9 specific requirements in respect of competency be
10 adopted before a pilot be registered as such to serve
11 on the Great Lakes. In other words, the licence of
12 the United States Coast Guard should not be the one
13 and only requirement. We outlined what type of
14 experience a pilot should have before being permitted
15 to^{be} assigned as a registered pilot. We must say
16 that subsequently in the regulations a good deal
17 of these regulations were adopted by the U. S.
18 administrator.

19 If I may proceed, perhaps to save
20 time, in January again of 1960 further meetings were
21 held between the two governments and a report given
22 to the Shipping Federation -- I think a verbal re-
23 port -- of the gist of these discussions. The
24 Shipping Federation was invited to re-state its
25 position again. That was done in a letter to Mr.
26 Booth dated January 25th, 1960, which I would like at
27 this stage to file as Exhibit 1260.

28 ---EXHIBIT NO. 1259: Letter dated December 28th, 1959.

29 ---EXHIBIT NO. 1260: Letter dated January 25, 1960,
30 to Mr. C. S. Booth from the
Shipping Federation.



1 MR. BRISSET: The Shipping Federation
2 in this letter took advantage of the occasion to
3 review the policy which it had advocated right along
4 during the previous four years -- or three years, at
5 least -- and again urged that steps be taken for the
6 inspection of vessels in any case before they be
7 allowed in the Seaway or through the lakes.

8 THE CHAIRMAN: Excuse me. Captain
9 Matheson, this requirement for inspection of the ship;
10 what was the purpose of that? What was the reason
11 behind that?

12 THE WITNESS: The inspection as far
13 as navigational equipment or the ordinary equipment
14 on the ship for transiting the Welland Canal.

15 THE CHAIRMAN: You had charts and
16 rules of the road and so on. Why did you request
17 that such an inspection be made? Was that for the
18 security of that ship?

19 THE WITNESS: That was for the
20 security of the ship and all ships in the Great Lakes.

21 THE CHAIRMAN: General security?

22 THE WITNESS: General security, my
23 lord. We felt that was an obligation that was on the
24 Federation. When we established this pilotage area
25 in the Great Lakes we assumed a certain amount of
26 responsibility and we felt we would assume complete
27 responsibility rather than only for the area in which
28 we established pilotage.

29 The other reason, my lord, was that
30 there was an increasing number of ships coming into the



1 lakes -- tramps that had not been into the lakes
2 before and probably would arrive in Montreal after
3 extended voyages. It would be quite normal for these
4 tramp ships that they would not have the necessary
5 charts and pilot books and rules of the road for the
6 Great Lakes and all the other necessary navigational
7 equipment that would normally be on a ship that was
8 a regular trader to the lakes.

9 THE CHAIRMAN: But is it not a risk
10 that the master and the owner of the ship is taking
11 by not equipping his ship as it should be and there-
12 fore taking a risk to ground his ship, and that was
13 the end of that? Why should you worry about that?

14 THE WITNESS: There is an obligation
15 on the master of any ocean ship to equip his ship
16 properly and have the proper charts and particularly
17 up-to-date notes to mariners and up-to-date pilot
18 books. But I think it is important or more im-
19 portant going into the Great Lakes than in most
20 places for this reason -- that the restricted areas
21 in the Great Lakes are difficult.

22 Of course, you have the other concept
23 where you have got a difference in the Great Lakes
24 Rules of the Road from the International Rules of
25 the Road. Granted there is reference in the
26 International Rules of the Road that mariners must
27 be familiar with local rules, but I do not know of
28 any other place in the world where there is a
29 separate rule of the road than in the Great Lakes.

30 THE CHAIRMAN: So am I right in



1 saying that you were not primarily concerned with
2 the safety of that ship but of the lakes, the water
3 lanes of the lakes and the restricted waters and
4 also the other traffic? But as far as that ship
5 is concerned it was a risk that she took?

6 THE WITNESS: If that precaution
7 is taken safety must enter into the picture somewhere
8 or another, my lord. If these precautions are taken,
9 particularly with regard to the rules of the road,
10 it was imperative, representing ships -- it was a
11 normal responsibility of an association representing
12 ships to assure that these ships had at least the
13 Great Lakes Rules of the Road on board. You see,
14 we were faced with the situation where neither the
15 Canadian Government nor the American Government had
16 the necessary regulations in that regard.

17 THE CHAIRMAN: All right; thank you.

18 MR. BRISSET:

19 Q. In fact, speaking from experience,
20 Captain, has it happened to your knowledge that ships
21 have gone up the lakes -- and I am speaking of ocean
22 ships -- that were not in your opinion properly
23 equipped navigation-wise?

24 A. Yes. There are reports that ships
25 did get through, particularly after the inspection
26 was discontinued.

27 Q. And that is the danger that we want
28 to guard against?

29 A. Exactly.

30 Q. In other words there is always a



1 black sheep in any family?

2 A. Yes.

3 COMMISSIONER SMITH: I think we have
4 had evidence before the Commission that some of the
5 ships -- and they were named; the country was named --
6 did not have charts that were up-to-date. The charts
7 were old and other things were missing to aid them in
8 properly navigating the restricted waters?

9 THE WITNESS: Yes. That does not
10 only apply, Mr. Smith, to the nationality, although
11 some countries are more offenders than others in that
12 regard. It applies particularly to tramp steamers
13 that may be trading for a year or eighteen months in
14 different parts of the world and suddenly they are
15 assigned to load a cargo of grain at the Lakehead.
16 These are the type of ships that should be inspected
17 before they go into the lakes.

18 MR. BRISSET:

19 Q. In other words, they may come here,
20 as you say, after having traded all over the world,
21 say, on a change of orders without having had a chance
22 to obtain charts until they got to Montreal?

23 A. Exactly.

24 THE CHAIRMAN: We had evidence in
25 British Columbia that for the Prince Rupert area
26 weather charts were used for navigation.

27 MR. BRISSET: If I may proceed, my
28 lord, it may save time because I am quite fully
29 aware of these events.

30 THE CHAIRMAN: Yes.



1 MR. BRISSET: In the week that
2 followed early January, 1960, all types of rumours
3 were flying about and nobody was quite sure what the
4 proposed legislation in the States would eventually
5 be. There were rumours that there was dissension
6 in the various governments of the United States and
7 it is at that time that the Shipping Federation
8 decided to publish what I call a white paper, which is
9 appended to the brief and which came off the press
10 on the 9th February, 1960.

11 At the same time as it was ready
12 to be released it was then learned that a new pilotage
13 Bill S-3019 had been introduced in the United States
14 Senate sponsored jointly by the Department of State
15 and the Department of Commerce.

16 The Bill was very much along the
17 lines of the draft Bill that had been submitted to
18 us earlier in the fall of the preceding year and I
19 took it upon myself then to write to the Chairman of
20 the Senate Committee, Senator Magnuson, telling him
21 of what our intentions were to release this statement
22 of policy, but that in view of the fact that the
23 legislation had just been introduced I did not want
24 to do it before obtaining his approval.

25 Senator Magnuson wrote me saying he
26 would prefer that at this stage we did not release
27 the statement and the statement therefore was with-
28 held.

29 MR. LALONDE: Did the Senator give
30 any reason?



1 MR. BRISSET: No. He wrote me a very
2 short letter saying that he would prefer that the
3 statement of policy be not revealed at this time.

4 MR. LALONDE: And you made this
5 representation because you felt that the government
6 Bill of the U. S. was too close to yours and this
7 might impede the situation?

8 MR. BRISSET: No. I thought it was
9 diplomatic at this stage not to take such an action
10 as releasing this public statement when the Department
11 of State and the Secretary of Commerce had introduced
12 a piece of legislation which met a good many of the
13 objections which we had raised to the previous legis-
14 lation. I did not want to start a war at that time.

15 THE SECRETARY: Was the statement
16 ever released?

17 MR. BRISSET: The statement was never
18 released. This is the first time that it has been
19 made public. I did not think that after four years
20 it mattered very much.

21 THE SECRETARY: Did you file the
22 letter that you wrote to the Senator?

23 MR. BRISSET: Yes, and his reply.

24 THE SECRETARY: And his reply.
25
26
27
28
29
30



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C/je

1 MR. BRISSET: I would then file
2 these two letters as Exhibit 1261.

3 MR. LANGLOIS: Would you mind
4 giving a full description of the exhibit, please?

5 MR. BRISSET: Exchange of cor-
6 respondence between myself and Senator Magnuson in
7 February of 1960 with respect to statement of policy
8 of the Shipping Federation appended to the Brief.

9
10 ---EXHIBIT NO. 1261: Correspondence between
11 Mr. Brisset and Senator
12 Magnuson in February of
13 1960.

14 MR. BRISSET: Now, My Lord, on the
15 new Bill, which is Bill S 3019 as introduced in the
16 United States Senate, with the companion Bill HR 10593,
17 introduced before the Congress, there were first hear-
18 ings before the Senate Committee on February 23rd and
19 24th, 1960 and the proceedings or minutes of these
20 hearings have already been filed as Exhibit 1103.
21 Hearings were held before the House Committee on March
22 9th, 10th and 11th and the transcript of the proceed-
23 ings are also filed under Exhibit 1103.

24 COMMISSIONER SMITH: Mr. Brisset,
25 those two bills, the companion Bill S 3019 and the
26 House of Representatives Bill 10593 I take it are a
27 counterpart of Bill C 80 of the House of Commons of
28 Canada.

29 MR. BRISSET: That is correct, sir.
30 In other words, these two companion bills were the
ones that were eventually passed by the United States



1 Senate and Congress and now are known as the American
2 Great Lakes Pilotage Bill.

3 My Lord, I would like to refer the
4 Commission to page 9 of the Minutes of the Hearings
5 before the Senate Committee, Exhibit 1103, in connect-
6 ion with Bill S 3019 as it reproduces the Aide Memoire
7 furnished by the Canadian Government to the American
8 Government in respect of this particular legislation.
9 It is by way of a report, I think, under the signature
10 of the Department of State. Anyway it is to be found
11 at pages 9 and 10 and it sets out the agreement between
12 the two Governments, it being mentioned that the
13 Canadian Government would include in any proposed
14 legislation in Canada provision as regards issuance of
15 what came to be known as B Certificates.

16 The following qualifications are
17 indicated. There are five of them and I want only to
18 name one, condition No. 2: "Having the experience of
19 at least two round trips within the preceding two years
20 in the open or undesignated waters of the Great Lakes
21 where the vessel would be operated."

22 Now, Captain Matheson, before this
23 Aide Memoire was released on February 23rd during the
24 course of the hearings in Washington before the
25 Committee of the Senate had you been informed by the
26 Canadian Government or the Department of Transport
27 that this requirement of two prior round trips to
28 qualify an officer for a B Certificate had been agreed
29 upon?
30



1 A No.

2 Q Was it then the first time that you
3 learned that this requirement would now be obligatory?

4 A Yes. As a matter of fact we were
5 rather surprised, if not shocked, when we heard that
6 this had been agreed to.

7 Q In the light of this was there any
8 discussion amongst your members and Pilotage Committee
9 as to whether they would or would not support a Bill
10 because of this particular requirement?

11 A Yes, there was. I just forget the
12 details now but there were discussions.

13 Q But eventually did you nevertheless
14 support the bill?

15 A We did, yes.

16 Q For what reasons?

17 A Because we were told if we didn't
18 we may get something less favourable to the view that
19 we had been expressing.

20 MR. BRISSET: My Lord, if I may
21 interject here this particular requirement led me to
22 write a letter to Senator Magnuson, which I would like
23 to file at this stage as Exhibit 1262. It is a letter
24 from myself dated March 2nd, 1960 to the Honourable
25 W.G. Magnuson, Chairman of the Committee on Inter-State
26 and Foreign Commerce. In this letter, My Lord, briefly
27 I explain why we had supported the Bill in support of
28 what I called two blatant shortcomings; namely the
29 requirement of two trips, prior trips to qualify an
30



1 officer for a B certificate; also the fact the legis-
2 lation did not seem to make any provision to qualify
3 those who would be registered as pilots by exacting
4 prior experience and a certain training and not simply
5 a license issued by the Coast Guard. I expressed the
6 hope that eventually these would be corrected by the
7 regulations.

8 ---EXHIBIT NO: 1262: Letter March 2, 1960, Brisset to
9 Magnuson. COMMISSIONER SMITH: Excuse me

10 interrupting, but were these shortcomings taken up by
11 you with the Canadian Government or put before the
12 Canadian Government in any way?

13 MR. BRISSET: Yes, they were and
14 I will come to that in a minute. I repeat again that
15 the shortcomings, one of the shortcomings I had just
16 mentioned with respect to qualification of the pilots
17 was eventually corrected in the regulations that were
18 issued subsequently.

19 THE CHAIRMAN: A license issued
20 by the Federal organization.

21 MR. BRISSET: A pilot's license
22 from the Coast Guard is not sufficient qualification at
23 the moment to act as pilot in restricted waters. The
24 Lake Superior Pilots Association, through their counsel
25 Mr. Conrad M. Fredin supported us in this respect, and
26 Mr. Fredin also wrote Senator Magnuson to the same
27 effect on February 29th, 1960 raising the same point
28 that I had raised myself and I would like to file a
29 copy of this letter as Exhibit 1263.
30



Matheson, Dr Ex
(Brisset)

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1
2 ---EXHIBIT NO. 1263 Letter dated February
3 29th, 1960 from Mr.
4 Fredin to Senator Magnuson.

5 THE CHAIRMAN: We will adjourn now
6 for a few minutes.

7 ---SHORT ADJOURNMENT

8 MR. BRISSET: We have been asked by
9 counsel for the Commission to append to Exhibit 1257
10 the confidential report which was appended to the letter
11 of the Shipping Federation to Mr. Booth. It is a
12 confidential report dated December 9th, 1959 to the
13 members of the Shipping Federation on the draft Bill
14 to be submitted to the United States authorities.

15 THE CHAIRMAN: I assume this has
16 also lost its confidential character by this time?

17 MR. BRISSET: We stated it was con-
18 fidential at the time because we did not want to breach
19 protocol between the two governments, My Lord. If I
20 may proceed I would like now to file as Exhibit 1264
21 the reply of the Minister of Transport dated February
22 10th 1960 to the letter of the Shipping Federation ad-
23 dressed to Mr. Booth on January 25th 1960 in which the
24 Federation at the request of the Department stated
25 again its position with regard to pilotage on the Great
26 Lakes.

27 The Minister in this letter, if I
28 may summarize it, mentions: "I think there is some
29 merit in your proposal that the vessel rather than an
30 individual should be licensed or certificated to operate



1 in the open waters, particularly, if I understand it
2 correctly, as such certification would require, inter
3 alia, that a ship's officer would be qualified in the
4 manner envisaged in respect of B Certificates. How-
5 ever, I am informed that at this late date it would be
6 quite impractical for the U.S. authorities to change
7 their position."

8 MR. LALONDE: I might add: "If
9 you wish to follow this up further, I would be happy
10 to arrange for you to discuss the details with the ap-
11 propriate officials of the Department."

12 MR. BRISSET: Q Incidentally,
13 on the question of vessel certification if the Federation
14 is of the opinion that such certification, apart from
15 the question of the B Certificate, would serve a use-
16 ful purpose, I would be quite willing to give consider-
17 ation to it."

18 It goes on to say: "If you wish
19 to follow this up further, I would be happy to arrange
20 for you to discuss the details with the appropriate
21 officials of the Department."

22
23 --EXHIBIT NO. 1264: Letter dated February
24 10th, 1960 from the
25 Minister of Transport to
26 the Shipping Federation
27 of Canada.

28 MR. BRISSET: I might indicate that
29 following receipt of this letter in the Spring of 1960
30 the Government in fact re-established the inspection of
ships. This letter, as the Commissioners will recall,



1 came to us about the same time as the United States
2 legislation was introduced, sponsored by the Department
3 of Transport and the Department of the Secretary of
4 State.

5 THE CHAIRMAN: The United States is
6 not very much interested in that requirement because it
7 is carried out in Canadian waters anyway and all the
8 ships have to go through there.

9 MR. BRISSET: It is, of course, the
10 opening of the Great Lakes system here and we have al-
11 ways advocated this inspection be carried out by the
12 Canadian Government because of the very fact it is
13 logical and practical that it should be conducted in
14 Montreal.

15 I might mention the letter of the
16 Minister, which I have just quoted from, did not reveal
17 that one of the requirements for the issuance of B
18 Certificates agreed to by the Canadian Government at
19 the time was the two trips requirement of which the
20 Federation, as indicated by Captain Matheson in his
21 evidence, became aware at the time of the hearings before
22 the two Committees of both the Senate and the House,
23 and this led to a further exchange of correspondence
24 with the Minister of Transport.

25 I would like to file as Exhibit
26 1265 a letter dated May 13th, 1960 from the General
27 Manager of the Shipping Federation to the Honourable
28 George Hees, which dealt particularly with this topic
29 and from which I quote:
30



1 "Such a requirement, in our
2 opinion is unwarranted and insistence upon
3 it on the part of your Government would con-
4 stitute a reversal of the position which your
5 Government had previously maintained, namely
6 that it is not essential in the interests of
7 safety that vessels carry accredited pilots
8 during passage of the open waters of the
9 Great Lakes.

10 We have always considered
11 this statement to mean that in the opinion
12 of your Government, the Master of an ocean-
13 going vessel having the other requirements
14 detailed in the Aide Memoire of the United
15 States Government Department of State, of
16 February 19th, 1960 and competent therefore
17 to navigate his vessel in all parts and all
18 waters of the world, would be competent to
19 lay a course and navigate his vessel through
20 the open waters of any one of the five Great
21 Lakes."



Matheson, Dr Ex
(Brisset)

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1 Then we stated that this was a
2 discriminatory requirement; that it was a remnant be-
3 hind the thinking of the former legislation.

4 To this letter we received a reply
5 dated May 31, 1960, which I would like to file as
6 Exhibit 1266.

7 ---EXHIBIT NO. 1265: Letter dated May 13th, 1960.
8 ---EXHIBIT NO. 1266: Letter, dated May 31, 1960.

9 MR. BRISSET: This letter is ad-
10 dressed by the Honourable George Hees to Mr. Mearns of
11 the Shipping Federation, and I would like to quote this
12 extract:

13 "Our expression of willingness
14 to require a small amount of experience on the
15 Great Lakes represented a compromise between
16 these two extremely divergent points of view.

17 Because of the attitude of a
18 considerable body of opinion on the United
19 States side and of certain interested parties
20 on the Canadian side, we felt that this com-
21 promise was necessary. Indeed I am advised
22 that had we not accepted this, it was almost
23 inevitable that the United States would have
24 proceeded to enact the original Bill or some-
25 thing like it, including the requirement for
26 a pilot to be on board at all times.

27 The proposed requirement of
28 experience in the open or undesignated waters
29 where the vessel will be operating is not
30



1 intended to mean that the qualified officer
2 must have been previously to every port. If
3 he has gone into any port of the Lakes this
4 will be considered experience acceptable for
5 all ports in that Lake."

6 As Your Lordship knows, it was also
7 decided that one trip for Lake Superior meant two trips.
8 The Minister ended up his letter by saying:

9 "If in the light of experience
10 modifications appear to be necessary, we will
11 endeavour to secure them, but in the meantime
12 we have to give this system a trial."

13 MR. LALONDE: And then there was an
14 election.

15 MR. BRISSET: I would like now to
16 file as Exhibit 1267 a letter in reply by Mr. Mearns
17 to the Honourable George Hees, commenting in his letter
18 and briefly stating that there again it seemed evident
19 that the problem of semantics had arisen, and that the
20 word "pilotage" or "pilots" did not mean the same thing
21 in the United States as in Canada, and that possibly
22 with all due respect the Minister had been misled, and
23 therefore it would not be a breach of faith if he were
24 to take up this matter again with the United States
25 Government in order to eliminate this two-trip
26 requirement.

27 THE CHAIRMAN: What is the date of
28 that letter?

29 MR. BRISSET: This letter was dated
30



1 June 28th, 1960.

2
3 ---EXHIBIT NO. 1267: Letter dated June 28, 1960
4 by Mr. Mearns to the Honourable
George Hees.

5 MR. BRISSET: In fact we stated
6 this:

7 "If your acceptance of the
8 requirement for the issuance of B licenses
9 as having had, as you state, the experience
10 of at least two round trips within the pre-
11 ceding two years within the open or undesig-
12 nated waters of the Great Lakes where the
13 vessel would be operating stems as it would
14 appear to do so, from a misunderstanding, it
15 seems to us in your future negotiations with
16 the United States Government you would have
17 every right to open discussions on this topic
18 and have the requirement eliminated when the
19 time comes to frame the regulations con-
20 templated under the United States Pilotage
21 Bill now before the President for signature."

22 We also stressed at that time the
23 importance of pursuing further the matter of government
24 inspection of vessels prior to their entering into the
25 Great Lakes.

26 I might mention here as it appears
27 from the record, namely the minutes of the hearings on
28 Bill HR 10593, that the Commandant of the United States
29 Coast Guard indicated that he was supporting the Bill
30



1 rather meekly ; Captain Rolla Johnson was supporting
2 it reluctantly, and Vice-Admiral Spencer recommended
3 that consideration be given to make pilotage compulsory
4 on the open waters, and added that as the Bill did not
5 so provide, he could not give it his unqualified
6 approval.

7
8 MR. LANGLOIS: Are you the witness
9 in the stand?

10 THE CHAIRMAN: I think for the last
11 fifteen minutes or half an hour Mr. Brisset has been
12 relating those events which occurred rather than the
13 witness.

14 MR. BRISSET: I am prepared to be
15 sworn, My Lord, if necessary. I was deeply involved in
16 all this.

17 THE CHAIRMAN: I do not think these
18 are contentious points. In any event, Mr. Brisset
19 would be liable to cross-examination should you wish.

20 MR. LALONDE: I don't think the
21 terms of reference of the Commission would permit his
22 cross-examination.

23 THE CHAIRMAN: On that part only of
24 the procedure because those problems are still there,
25 so therefore it is worth going on. Most of what is
26 being said is in the record, and he is relating them
27 and grouping them together so that we know their
28 sequence.

29 MR. BRISSET: It was at that time,
30 namely on June 27th, 1960, that Bill C 80 was introduced.



1 MR. LALONDE: When you say it is
2 a relation of events, I think it is certainly relation
3 of events when he says such-and-such a thing was done,
4 but obviously when there is a paragraph when he says
5 it may be of interest to point out that a certain
6 person said such-and-such, there is obviously selection
7 of events.

8 THE CHAIRMAN: Oh, yes, there is no
9 doubt about that, and we will allow you to do the same
10 should you wish.

11 MR. BRISSET: Bill C80 was intro-
12 duced on June 27th, 1960. It was the companion
13 Canadian Bill to the American Great Lakes Pilotage Bill.
14 I was called upon to appear before the Sub-Committee
15 of the House which studied this Bill, and we made at
16 this time two recommendations for amendment to the
17 legislation.

18 The first one was the insertion of
19 reciprocity provisions in the Canadian Bill, the purpose
20 of which was to permit the Canadian Government not to
21 recognize the certificates or licenses issued by the
22 United States authorities if the United States authorities
23 did not recognize in turn the certificates issued by
24 the Canadian Government to pilots and ships' officers.
25 We had evidently in mind the recognition by United
26 States authorities of the B Certificates to be issued
27 by the Canadian Government to officers of ocean-going
28 vessels.

29 This recommendation was accepted
30



1 as appears from the record filed with this Commission.
2 That is the hearings before the Sub-Committee. This
3 recommendation was accepted.

4 There was another recommendation
5 made to the effect that the law should specifically
6 provide that where a ship would use a pilot anywhere
7 on the Lakes, particularly in the open waters -- that
8 is, somebody else than a regular member of the
9 complement of the crew--it should be a registered
10 pilot. That is, a pilot registered by either the U.S.
11 or the Canadian Government.

12 There was certainly misunderstand-
13 ing of the purpose of my recommendation to the Committee
14 in this regard, as it was turned down, the Committee
15 feeling that what I was recommending was that anybody
16 on board, provided he was a member of the crew, be
17 permitted to navigate the vessel in open waters. It
18 was pointed out to me, as appears from the transcript,
19 that if my recommendation was accepted it could mean
20 that the cook could navigate in open waters.

21 However, I had in mind that in the
22 American legislation there is a similar provision as
23 the one I was recommending; if a vessel does take a
24 pilot in the open waters, it has to be a registered
25 pilot; otherwise only a regular member of the crew is
26 entitled to navigate in the open waters.

27 Our purpose in making this sug-
28 gestion is that we were afraid that in open waters if
29 the restriction was not applied, if other than registered
30



1 pilots were permitted to pilot, we would be faced with
2 services offered by other than registered pilots.

3 Particularly we had in mind the difficulties that we
4 had had with the Masters, Mates & Pilots Organization
5 of the United States that had tried to establish in
6 the years past pilotage services in the Great Lakes.

7
8 There were, Your Lordship, and Mr.
9 Commissioners, hearings before the Senate Committee on
10 Bill C 80 on July 21, 1960, but unfortunately I am ad-
11 vised by your Secretary that the transcript of the
12 evidence given before this Senate Committee is not
13 available.

14 THE SECRETARY: This was filed at
15 the beginning of the session this week. I will check
16 immediately to see whether it is here.

17 MR. LANGLOIS: Exhibit 1208.

18 THE SECRETARY: Correct. I have
19 here the proceedings before the House of Commons Stand-
20 ing Committee, and of course the Debates in the House
21 itself, and in the Senate, but not the proceedings in
22 the Transportation Committee of the Senate.

23 MR. BRISSET: I am advised, and I
24 think you confirmed this with me, these are not available?

25 THE SECRETARY: That is right.

26 MR. BRISSET: Probably there is a
27 copy in the Government's library, but I do not think
28 the proceedings were printed.

29 It is, however, at this hearing
30 that Mr. Booth explained to the Committee the work



1 which he had done in order to bring about enactment or
2 at least an understanding, some understanding, with the
3 United States Government which produced legislation
4 which was on the whole acceptable, keeping in mind that
5 the two-trip requirement is not in the legislation it-
6 self but in the agreement reached between the two
7 Governments.

8 I might even mention in the formal
9 agreement which is before this Commission, this require-
10 ment is not recorded. It is only recorded in the Aide
11 Memoire that was filed at the time of the hearings.

12 However, in subsequent regulations
13 the Canadian Government did, for the issuance of the
14 B license, make it a condition that there be two prior
15 trips by the officer concerned.

16 Now, My Lord, in neither the
17 Canadian nor the American legislation was there any
18 provision indicating what would be the restricted
19 waters of the Great Lakes. On September 13, 1960, the
20 Shipping Federation wrote to the Assistant Deputy
21 Minister of Transport, Mr. C.S. Booth, outlining its
22 views on what these restricted waters should be. I
23 would like to file this letter of September 13, 1960,
24 as Exhibit 1268.

25
26 ---EXHIBIT NO. 1268: Letter dated September 13,
27 1960, from the Shipping
Federation to Mr. C.S. Booth.

28
29 MR. BRISSET: Attached to this
30 letter is a memorandum setting out in detail the areas



1 which should be decreed as restricted waters where
2 pilotage would be compulsory, and these areas are
3 listed at page 48 of the Brief.

4 Q Now, if I may go back to Captain
5 Matheson, I refer you to page 48 and page 49 of your
6 brief. Am I correct in stating that as of that time
7 and even prior to the issuance of the regulations sett-
8 ing out what would be the restricted waters of the
9 Great Lakes, these restricted waters were in fact al-
10 ready served by pilots organized in most cases with
11 the assistance of the Shipping Federation of Canada?

12 A That is correct.

13 Q In other words, the system was al-
14 ready operating even before the legislation became
15 effective?

16 A That is quite correct.

17 Q That was the outcome of your two
18 or three years of work in the area, mainly your own
19 personal work; is that correct?

20 A That is correct.

21 MR. LALONDE: Hear, hear.

22 MR. BRISSET: I am glad to hear
23 the "Hear, hear." It is the first time Captain Matheson
24 has been given recognition for his work.

25 MR. LANGLOIS: That goes to you and
26 not to the witness.

27 MR. BRISSET: My Lord, we are now
28 passing to the year 1961 and following, dealing with
29 the hearings called by the Administrator of Pi otage
30



1 on the United States side. I don't know whether the
2 Commission has available the transcript of the various
3 hearings that were held during those years, but if the
4 Commission is interested, we can supply this transcript.

5 THE CHAIRMAN: Thank you. We will
6 check.

7 THE SECRETARY: You are referring
8 to which Bill?

9 MR. BRISSET: I am now referring,
10 for instance, first of all to the hearings called by
11 the Acting Administrator, Great Lakes Pilotage
12 Administration, which took place in Cleveland on
13 January 10, 11 and 12, and which were mainly concerned
14 with the establishment of rates.
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1 THE SECRETARY: We have not that
2 record, nor any one of the records of these hearings
3 in the United States in connection with . . . In
4 1961 -- that was after the creation of the Great
5 Lakes Pilotage Administration?

6 MR. BRISSET: That is correct.

7 THE SECRETARY: We have none of these
8 records.

9 MR. LALONDE: One corporation has a
10 few it would be happy to sell to the Commission.

11 MR. BRISSET: We would be happy to
12 provide a copy to the Commission.

13 THE SECRETARY: In your case, free.
14 I am glad to accept. In fact, Mr. Brisset, I am just
15 wondering whether it would be necessary for the
16 Commission to have the transcript of evidence. Per-
17 haps if we had a report of the meeting or a memorandum
18 outlining what took place it would be quite suffi-
19 cient.

20 MR. BRISSET: Yes. Well, my lord,
21 we have related in our brief, or at least summarized
22 in our brief, what these hearings dealt with.

23 THE SECRETARY: At page 50.

24 MR. BRISSET: At page 50.

25 THE CHAIRMAN: Should we find it is
26 necessary or anybody should find it is necessary to
27 consult those documents we will call on you.

28 MR. BRISSET: This first hearing, I
29 might say, had to do with the fixing of the rates.
30 These rates were fixed then following these hearings,



1 but have been since amended, and perhaps it is not
2 of too much interest.

3 MR. LALONDE: There again I notice,
4 however, that you refer to only three people who have
5 appeared there -- Captain Rolla Johnson, Captain
6 Norman Johnston and the Shipping Federation. I know
7 that there were several other parties represented there
8 who appeared.

9 THE CHAIRMAN: In that case, if you
10 could furnish a copy . . .

11 MR. BRISSET: We would be glad to
12 furnish a copy.

13 THE CHAIRMAN: We will give it a
14 number right now -- 1269. Give the description,
15 please.

16 MR. BRISSET: Transcript of the
17 proceedings before the Acting Administrator, Great
18 Lakes Pilotage Administration, held on January 10th,
19 11th and 12th in Cleveland.

20 ---EXHIBIT NO. 1269: Transcript of Proceedings
21 before the Acting Administrator,
22 Great Lakes Pilotage Adminis-
23 tration on January 10th, 11th
and 12th.

24 MR. BRISSET: I would like, if I may
25 be permitted at this stage, to perhaps file a copy of
26 the statement delivered by the Shipping Federation of
27 Canada at these hearings as Exhibit 1270, or perhaps
28 as part of the same exhibit.

29 THE SECRETARY: Combined with 1269?

30 MR. BRISSET: Combined with 1269.



1 THE CHAIRMAN: Well, I do not know.

2 One is the transcript of the proceedings and the other
3 will be the statement made, so therefore I think they
4 should be separate. The statement will be 1270.

5 MR. BRISSET: That is 1270 then.

6
7 ---EXHIBIT NO. 1270:

Copy of statement delivered
by the Shipping Federation of
Canada at hearings of the
Great Lakes Pilotage Adminis-
tration.

8
9
10 MR. BRISSET: My purpose, my lord, in
11 filing this statement is that it contained two recom-
12 mendations that are of some importance even today.
13 The first one was that pilots registered for service
14 in the restricted waters of the district should not
15 be allowed to pilot outside of their district. This
16 is a problem about which the Commission has heard
17 quite a lot during these hearings.

18 THE CHAIRMAN: That is right.

19 MR. LALONDE: And this report of the
20 hearings on January 10th, 11th and 12th, in case the
21 Commission might be misled into thinking that Captain
22 Johnson or Captain Johnston were speaking for the
23 Canadian pilots at that time, I may say that I was
24 representing the Canadian pilots on that occasion.

25 MR. BRISSET: The second recommen-
26 dation was that in the open waters during the transit
27 of which pilots/might have to be on board because none of
28 the officers of the ship qualified for a B certifi-
29 cate should be serviced by part-time retired or semi-
30 retired pilots so as not to disrupt the operation of



1 the restricted water districts in order not to take
2 out from their district the registered and specialized
3 pilots working normally there.

4 Q. In this connection I would like to
5 ask a question of Captain Matheson. Was that recom-
6 mendation that you made way back in 1961 finally
7 acted upon?

8 A. Yes, it was; it was acted upon re-
9 cently. In the last few days there was a notice
10 arrived in my office from Captain Meschter amending
11 the regulation and providing for this situation.

12 Q. Are these pilots, according to the
13 advice you have received from Captain Meschter, going
14 to be temporary pilots?

15 A. That is my understanding.

16 THE CHAIRMAN: On the open waters
17 of the lakes?

18 MR. BRISSET: On the open waters of
19 the lakes.

20 Q. And all through the intervening period
21 elapsing between 1961 and 1964 have you been making
22 this recommendation or pressing for it?

23 A. We have been pressing for it, yes.

24 THE SECRETARY: Presumably, Mr.
25 Brisset, this statement of the Shipping Federation
26 would be contained in the transcript of the pro-
27 ceedings. They were read, were they not?

28 MR. BRISSET: If my recollection
29 serves me properly it was filed but it may not be
30 contained in the transcript itself. There was



1 evidence given in support of the statement but the
2 statement itself, I do not think, was reproduced in
3 the transcript.

4 THE CHAIRMAN: It is a recent
5 development. Are you going to establish that further
6 by a document or something?

7 MR. BRISSET:

8 Q. Do you have the document there,
9 Captain Matheson?

10 A. I believe so. I believe we have
11 got the transcript of the hearing.

12 Q. No. This document you have re-
13 ceived from Captain Meschter; do you have it here?

14 A. I am not sure whether I brought it
15 with me, but I will have a look through my papers and
16 see and I can file it tomorrow morning.

17 THE CHAIRMAN: Could we give it a
18 number now -- 1271?

19 THE SECRETARY: Could I have the
20 description of this document, please?

21 MR. BRISSET: Notice of amendment
22 to the resolutions dated June 9th, 1964, providing
23 for the service of the retired pilots on the undesig-
24 nated waters of the Great Lakes.

25 THE CHAIRMAN: And those are American
26 regulations?

27 MR. BRISSET: American regulations.

28 CAPTAIN SLOCOMBE: My lord, these
29 regulations are not yet made. It is just a proposed
30 regulation.



1 MR. BRISSET:

2 Q. That is correct; it is a proposed
3 regulation?

4 A. Proposed regulations. I would
5 like to just confirm that last statement of mine. I
6 read this very hurriedly. My first understanding
7 was that it was given effect, the amendment to the
8 present regulations.

9 MR. JACQUES: The text reads as
10 follows: "Notice is hereby given that Part 40 is
11 amended to add subparagraph (3) to paragraph 401.220(e).
12 This amendment is effective at noon, June 9th, 1964."

13 THE CHAIRMAN: The same date as the
14 document.

15 MR. JACQUES: Of the notice.

16 THE CHAIRMAN: So it is a notice of
17 a regulation that has been passed?

18 CAPTAIN SLOCOMBE: Yes, my lord; it
19 does look as if it is in effect now. We just had
20 agreement on it last week, I think -- something we
21 have been pressing for for a long time.

22 THE CHAIRMAN: Mr. Jacques, would
23 you continue the reading so that the whole document
24 is in the record?

25 MR. JACQUES: Very well, my lord.

26 "The administrator having found and
27 determined in accordance with the provisions
28 of paragraph 4(a) of the Administrative
29 Procedure Act (5 USC-1963(a)) that notice and
30 public procedure on the amendment would be



1 impracticable and contrary to the public
2 interest in that (a) there is an unusually
3 heavy and immediate demand for pilotage ser-
4 vices on Lakes Huron and Michigan, which
5 services are deemed necessary for the
6 safety of navigation and the furtherance
7 of commerce on the Great Lakes: (b) due to
8 pilot resignations and extraordinary
9 absenteeism due to sickness and other causes
10 there is an insufficient number of pilots
11 available in the area: (c) there is an
12 insufficient number of applicant pilots;
13 and (d) there are retired registered pilots
14 in the area, qualified other than for age,
15 who are available for immediate service,
16 whose service would alleviate the present
17 shortage, help to assure adequate and
18 efficient pilotage service on the Great
19 Lakes, and whose immediate service is
20 accordingly determined to be in the public
21 interest.

22 "This amendment to the regulations
23 is issued under the authority contained in
24 the paragraphs 4 and 5 of the Great Lakes
25 Pilotage Act of 1960(74 Statute 260 26146
26 U.S.C. 2 paragraph 6) subpart B, Registra-
27 tion of P ilots, 401.220 Registration of
28 Pilots is amended to add 401.220(e).

29 "(3) Issue a certificate of
30 registration for a period of less than one



1 year to a retired registered pilot for ser-
2 vice as a registered pilot on the undesig-
3 nated waters within the dispatching author-
4 ity of the authorized pool under which he
5 previously served, provided that such
6 persons meet all of the provisions of
7 paragraph 401.210(a) except subparagraphs
8 (3) and (6)" -- or (8); I cannot read --
9 "thereof.

10 "So ordered.

11 "Dated: June 9th, 1964.

12 "Signed A. T. Meschter, Administrator,
13 Great Lakes Pilotage Administration."

14 THE CHAIRMAN: So you might leave
15 now the exhibit number and return the document.

16 MR. BRISSET: My lord, as the
17 record shows, by March 21st, 1961, the Canadian
18 Government had not yet issued its proposed regula-
19 tions for the pilotage in the Great Lakes and the
20 Shipping Federation took advantage of the situation
21 to again take up with the Government the matter of
22 the possible elimination of the two-trip requirements,
23 and I would like to file as Exhibit 1272 ---

24 THE CHAIRMAN: It will be 1271.

25 MR. BRISSET: 1271, a copy of a
26 letter dated March 21st from Captain Matheson to Mr.
27 Booth on this topic, together with a copy of the
28 reply from Mr. Booth to Captain Matheson, dated
29 March 23rd, 1961. Both letters should be given
30 the same number.



---EXHIBIT NO. 1271:

Copy of letter dated March 21st, 1961, from Captain Matheson to Mr. C. S. Booth together with reply from Mr. Booth to Captain Matheson dated March 23rd, 1961.

MR. BRISSET: My lord, in connection with the B certificate it was recommended by the Shipping Federation at the time that the requirements be made less stringent in other respects than the two-trip requirements, particularly that the requirement of proficiency in the English language be not necessarily the qualification of the same man that would qualify in other respects. In other words, it was suggested that if there was a radio officer proficient in the English language on board that would satisfy the requirements even if the other officers were not able to qualify.

To give an illustration, if you had a radio officer who spoke English but an officer of the ship who had all the other qualifications, then that should be sufficient to justify the issuance of the B certificate.

In his reply Mr. Booth stated that agreement having been reached with the U.S. Government the previous year on what the requirements should be, the Canadian Government could not change this unilaterally.

The Department of Transport issued also shortly thereafter forms of application for a certificate of qualification for the B Certificate. Unless there is already a copy of this form of application in the record perhaps one should be filed at this



1 MR. LANGLOIS: Does that include
2 the statement of the proceedings before the House?

3 MR. BRISSET: Yes. 1272 is
4 form of application for a B certificate by an officer
5 of an ocean-going ship.

6 Q. Now, Captain Matheson, did you make
7 any recommendations with respect to the manner in
8 which and the place in which the examination should
9 be conducted in order to avoid delays to the vessel
10 concerned?

11 A. Yes. In some cases it was causing
12 our vessels inconvenience and the master or the
13 officer who wished to obtain a B certificate. In
14 order to go ashore for examination it was not con-
15 venient at times because, as I need not explain, the
16 master usually was the man that got the B certificate
17 and he had considerable business to attend to and
18 sometimes the ship would be only a short time at
19 Montreal before proceeding into the lakes. As
20 far as I can recall the representation we made to
21 the Department was that the examination under these
22 circumstances should be done on board the ship.

23 Q. Did you suggest Longue Point at the
24 same time of the Seaway inspection was conducted would
25 be a likely and advantageous place to hold such examina-
26 tions?

27 A. Yes, we did.

28 Q. Now in fact are the examinations now
29 conducted ashore or aboard ship?

30 A. They are conducted ashore.



1 Q. However, in the case of urgency
2 have your members had the cooperation of the Depart-
3 ment in having these examinations on board ship?

4 A. Yes. The shipping master at Montreal
5 I must say is most cooperative in this regard.

6 Q. And has gone aboard ship when the
7 occasion made it necessary?

8 A. Yes.

9 Q. Am I to understand the shipping
10 master in Montreal is the officer authorized to con-
11 duct the examinations at the present time?

12 A. That is correct. He is also the
13 shipping master and at one time -- I don't know
14 whether that is the case now -- was examiner on
15 masters and mates.

16 CAPTAIN SLOCOMBE: He is examiner
17 of masters and mates, my lord.

18 MR. BRISSET:

19 Q. Is there anybody else rendering the
20 service at the moment?

21 A. I don't know at the moment. I cannot
22 answer that question.

23 MR. BRISSET: My lord, may I suggest
24 that we might adjourn at this time as there are points
25 I want to discuss with you?

26 THE CHAIRMAN: Yes. We will ad-
27 journ now until tomorrow morning at ten o'clock.

28
29 ---The hearing was then adjourned to be resumed at
30 10.00 o'clock a.m. on June 17th, 1964.

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT
Toronto

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing held
in the Toronto Board of Education
Building, 263 McCaul Street,
Toronto, Ontario, on Wednesday,
the 17th day of June, 1964.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Mr. Robert K. Smith	Member
Mr. Harold A. Renwick	Member
Mr. Gilbert Nadeau	Secretary

COMMISSION COUNSEL:

Mr. Maurice Jacques

PRESENT:

Mr. J. Brisset, Q.C.	for the Shipping Federation of Canada
Mr. Marc Lalonde	for the Federation of St. Lawrence River pilots; Corporation of the Lower St. Lawrence Pilots; Corporation of Montreal Harbour Pilots; Corporation of the Mid-St. Lawrence Pilots; Corporation of the St. Lawrence River and Seaway Pilots; Corporation of the Upper St. Lawrence Pilots
Mr. Leopold Langlois, Q.C.	for the Canadian Merchant Service Guild
Mr. Colin Mason	for the Dominion Marine Association



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CAPTAIN MATHESON, re-sworn

DIRECT EXAMINATION BY MR. BRISSET: (Continued)

Q Captain Matheson, as you are aware the pilotage legislation in both the United States and Canada became effective as of the 1st of May, 1961, and at page 52 of your brief you intimate that before the system came into operation your Federation had something to do with the formation of a pool of American pilots in District No. 2?

A Yes.

Q In this regard I would like you to explain to the Commission in what way the Shipping Federation was involved and what were the results and what it did entail insofar as the Federation was concerned?

A The joint agreement between the Canadian and American governments of course provided for the setting up of pools. We felt it was quite important that these pools be set up as soon as possible and as efficiently as possible so we consulted with our counsel in Cleveland and also with the counsel that the pilots had engaged, Mr. Fredin.

Q The pilots of what area?

A Pilots of District No. 2.

Q Had Mr. Fredin any other function at the time?

A In regard to pilotage?

Q Yes.



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A Yes, he represented the group in District No. 3 also.

Q I understand he was Vice-President of the Lake Superior Pilots Association?

A That is correct.

Q Will you proceed?

MR. LALONDE: I would not like to correct my friend, but I think somewhere in the correspondence Mr. Fredin was Secretary. I might be mistaken on this, but I think correspondence he filed yesterday refers to Mr. Fredin as Secretary.

THE WITNESS: We are specifically talking about the pool that was formed in District No. 2. Mr. Fredin had an official position in District No. 3, but we are specifically discussing District No. 2 pilots.

MR. LALONDE: Yes, but the statement of your counsel was to the effect that Mr. Fredin was Vice-President of District No. 3, I understood. As I say, I am not quite sure, and it may be rather immaterial anyway.

MR. BRISSET: He might have been Vice-President at one time and then Secretary, but if my learned friend is interested we will check on this for him. He was one of the officers.

MR. LALONDE: I have it here. The instructions of the Shipping Federation, dated July 20, 1959, entitled "To ships' Masters of ocean vessels trading into Lake Superior.", the first paragraph refers



1 to a Lake Superior Pilots Association Inc. as being re-
2 cently formed and they mention Mr. Conrad Fredin as
3 Secretary.

4 MR. BRISSET: All right, I am pre-
5 pared to accept that he was Secretary.

6 THE WITNESS: Of District No. 3.

7 Q Of the Lake Superior Pilots
8 Association. District No. 3 was not in existence yet.
9 Will you proceed with your story, Captain?

10 A So there was a meeting, and Mr.
11 Fredin and a representative from Mr. Hinslea's office
12 in Cleveland was invited to a meeting in the Federation
13 to discuss the setting up of a pool in District No. 2.
14 As a result of this meeting Mr. Fredin was assigned by
15 the Federation to investigate the possibility and to go
16 ahead and set the pool up.

17 I am not quite sure of the details
18 of how this was done, but I just merely want to state
19 that the pool was organized, and Mr. Fredin's fee was
20 paid by the Federation for this service.

21 Q What was the reason why the Shipping
22 Federation was concerned and showed an interest in the
23 formation of this pool of American pilots in District
24 No. 2?

25 A Well, on account of the joint agree-
26 ment, it is the only way that the American pilots or
27 the District could function.

28 Q Now, in your dealings with Mr. Fredin
29 in connection with the formation of this pool did you
30



1 receive any report on the selection of the pilotage
2 material that would form that pool?

3 A I can't recall.

4 Q Well, were you interested in getting
5 competent pilots or just any pilot that would be willing
6 to enter the pool?

7 A Oh, of course not. We were interested
8 in the class of men that would enter the pool.

9 Q Did you get reports on the character,
10 competency and experience of the men who were suggested
11 as possible material to enter that pool?

12 A We had reports, yes.

13 Q What was your reaction to the reports
14 which you got?

15 A I don't think there was any comment
16 from the Federation. The class of men that were in the
17 pool appeared to be as far as I can recollect, satis-
18 factory.

19 Q In other words, you were satisfied
20 that you were getting the kind of pilots that you wanted
21 in that District?

22 A Exactly.

23 Q Now, in addition to forming a pool
24 of American pilots in District No. 2, did Mr. Fredin do
25 anything else in connection with these pilots?

26 A The pilots in District No. 2?

27 Q Yes.

28 A Well, he was legal counsel. Can you
29 be more specific as to what you mean?
30



1 Q Were they formed into an association
2 or corporation or some organization?

3 A Yes, the forming of the pool in-
4 volved the pilots also being formed into an association.

5 Q What was the name of that association?

6 A The Great Lakes Pilots Association.

7 Q Would it not be instead The Lakes
8 Pilots Association Inc.?

9 A Yes, probably, yes.

10 Q With head office where?

11 A Head office at Port Huron.

12 Q Is that the association which is
13 still existing today in District No. 2?

14 A Yes.

15 Q As far as the Shipping Federation was
16 concerned was that part of Mr. Fredin's mandate to form
17 this association?

18 A Yes.

19 Q Now, you said that the Shipping
20 Federation paid for the costs involved in this work.
21 Will you disclose what was the amount so paid?

22 A The Federation paid \$14,000 for the
23 services.

24 MR. LALONDE: \$40,000 or \$14,000?

25 THE WITNESS: \$14,000, and this was
26 a service not only to shipping, but it was a service to
27 pilots and probably would be appropriate to suggest that
28 the pilots may be disposed to refund some of this
29 expense.
30



1 MR. LALONDE: May I send you my bill?

2 Q At all events, Captain, even though
3 you assisted financially in the formation of the pool
4 of American pilots in District No. 2 and in the form-
5 ation of their association, can it be said that this
6 association is in any way, shape or form a company's
7 association?

8 A Oh, definitely not.

9 Q Why do you say that?

10 A Well, it is an association -- we
11 merely assisted in the formation of it, but as regards
12 to the by-laws or rules and regulations pertaining to
13 this association we had absolutely no say in that
14 matter and we didn't want to have any say in the matter.

15 Q In subsequent events when the time
16 came to discuss rates, how was that handled insofar as
17 the Shipping Federation was concerned, and these pilots
18 and their association was concerned?

19 A We had nothing to do with the rates
20 as far as I can recall.

21 Q However, what I mean, was there a
22 normal relationship insofar as these discussions were
23 concerned, or was the association at all influenced by
24 the Shipping Federation?

25 A The association was certainly not
26 influenced by the Federation in any form.

27 MR. BRISSET: Now, My Lord, at page
28 53 of the brief of the Shipping Federation we refer to
29 hearings that were called by the Acting Administrator
30



1 on the topic of the possible extension of the designated
2 waters of the Great Lakes. At that time the President
3 of the United States had already proclaimed what these
4 designated waters should be, and there had been agitation
5 to extend them, and these hearings were called and
6 were held at Chicago on July 17 and possibly July 18.

7 We will furnish to the Commission
8 the transcript of the evidence given at those hearings
9 which shall be filed as Exhibit 1273. I would like,
10 however, to file at this time as part of Exhibit 1273,
11 a copy of the statement of the Shipping Federation of
12 Canada presented at these hearings, as well as a copy
13 of a supplementary statement later filed on July 31,
14 1961 with the Administrator to complete the statement
15 of position of the Shipping Federation.

16
17 ---EXHIBIT NO. 1273: Transcript of Evidence
18 at Hearings in Chicago
19 on July 17 and 18 (to be
20 filed.)

21 Statement presented at
22 these hearings by the
23 Shipping Federation and
24 supplementary statement
25 filed on July 31, 1961.

26 MR. BRISSET: My Lord, as appears
27 from the record, those who were asking or suggesting
28 extension of the designated waters were Captain Rolla
29 R. Johnson of the International Organization of Masters,
30 Mates & Pilots, and Captain Norman S. Johnston, who
appeared before this Commission -- I think they were
the two main witnesses who did suggest such an extension.

During the course of the hearing,



1 again the Shipping Federation took advantage of the
2 occasion to bring to the attention of the Administrator
3 certain practices which had developed and which in the
4 opinion of the Federation were constituting a wastage
5 of pilotage material. Some of these practices have
6 already been mentioned before this Commission, and the
7 main ones are related at pages 54, 55 and 56 of the
8 brief, and I do not think I need detail them here.

9 One of them, though, I should
10 mention was already brought up at that time: the wast-
11 age of pilotage material in the sense that they were
12 put on board lake vessels flying the British flag,
13 therefore disrupting the service to the ocean shipping
14 that was requiring the services of these pilots in
15 restricted waters.

16 Q Now, Captain, from the time the
17 pilotage legislation became effective on the 1st of
18 May, 1961, I assume that a number of masters on the
19 ocean ships operated or represented by your members
20 did qualify for B Certificates. Is that correct?

21 A That is correct.

22 Q Did any problem arise at that time
23 in connection with this type of qualification which
24 these foreign masters obtained insofar as their re-
25 lations with their employees were concerned?

26 A Yes.

27
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1 Q Will you explain what developed?

2 A Problems arose and these problems
3 were envisaged by the Federation when this concept of
4 B certificates came into effect. A problem that arose
5 was that these officers getting B certificates, they
6 got the point of view that this was an extra qualifi-
7 cation that they were obtaining. Of course, it was
8 nothing of the sort. It was merely a certificate to
9 confirm to all concerned that the officer was familiar
10 with the Great Lakes rules of the road.

11 The officers, of course, before they
12 qualified for their certificate of competency had to
13 be proficient in the international rules of the road.
14 There is provision in the international rules of the
15 road that local rules and regulations must be -- that
16 masters and officers must familiarize themselves with
17 local rules and regulations.

18 Q And comply with them?

19 A Yes, and comply with them. This is
20 explained in the brief, a statement on B certificates.
21 I do not think I need to go into any more detail about
22 this. This was prepared by myself for the information
23 of all concerned so that the B certificate would be put
24 in its proper perspective.

25 Q That is then the reason that you
26 issued the statement re B certificates that is re-
27 produced in extenso at pages 56 and 57 of your brief?

28 A Correct.

29 Q In other words, you wanted to tell
30



1 the officers concerned that in getting these certifi-
2 cates they were not becoming pilots?

3 A That is right.

4 Q They remained what they were, watch-
5 keeping officers?

6 A It was an obligation that was on the
7 officer in any event.

8 Q Under the practice followed by your
9 members was the cost of obtaining this certificate
10 borne by the officer concerned or by the ship?

11 A It was borne by the ship or the
12 company that the officer served.

13 Q In other words, as far as the
14 companies were concerned it was a ship's certificate
15 really, rather than an officer's certificate?

16 A Right.

17 Q Has this practice always been fol-
18 lowed by your members to your knowledge?

19 A It has definitely been followed.

20 Q Now, Captain, we have heard during
21 the course of these hearings and you are of course
22 aware that the Corporation of the Great Lakes Profes-
23 sional Pilots was formed by the end of 1961?

24 A Yes.

25 Q At which time most of the Canadian
26 pilots in the district had already been working for
27 three years, or nearly four years, to be exact, if we
28 start from 1958, without really getting organized
29 before that time. From your own observations can you
30



1 indicate to us why it was that these pilots could not
2 get together and form an association before that time?
3 I am speaking of the end of 1961. In spite of the
4 efforts which you described yesterday, when I think
5 you mentioned the Corporation of the Ontario Marine
6 Pilots which later changed its name and finally got
7 nowhere?

8 A Well, when that organization tried
9 to get certified they were opposed by the Great Lakes
10 Pilots Association. Could you be more specific?

11 Q Well, at that time the Great Lakes
12 Pilots Association had members that were outside the
13 pilots themselves working in the Port Weller/Sarnia
14 area?

15 A Could you re-phrase your question?

16 Q The question I am asking you is
17 whether according to your observations there could
18 have been any reason why the pilots serving in the
19 Port Weller/Sarnia district could not get organized
20 in the Association or Corporation until the end of
21 1961; that is, nearly four years after you formed the
22 district?

23 A I couldn't say what the reason was.

24 Q Are you aware now that they are
25 formed into a corporation under the name of the
26 Corporation of the Great Lakes Professional Pilots?

27 A Yes.

28 Q Well, have you any thoughts on this
29 subject?
30



1 A The Corporation as it is in this
2 particular district is a good thing in my opinion. It
3 represents the group of men.

4 Q So you are all in favour of the
5 corporation system?

6 A No, I did not say that. I am afraid
7 the Corporation system that they have in District No.
8 2 is somewhat different from the corporations elsewhere
9 and the corporations elsewhere have been the subject
10 of considerable discussion and investigation in previous
11 hearings before this Commission.

12 COMMISSIONER SMITH: In what way did
13 the Corporation in District 2 differ from the others?

14 THE WITNESS: Well, I understand
15 that in District No. 2 the Corporation is supported by
16 individual contributions voluntarily given by the
17 members of the Corporation and, as we all know, the
18 corporations in the other districts are operated upon
19 a different basis. They are operated on the basis that
20 they collect all the revenue and control all the
21 revenue.

22 THE CHAIRMAN: Except B.C.?

23 THE WITNESS: Except B.C., My Lord.

24 THE CHAIRMAN: We have just heard
25 about that.

26 THE WITNESS: Yes.

27 THE CHAIRMAN: They are not touch-
28 ing the money at all but contribute the same thing.

29 THE WITNESS: Yes. I was very
30



1 interested to hear the testimony of the B.C. pilots in
2 that regard in the last hearings in Ottawa, My Lord.

3 MR. BRISSET: Q Now, Captain, I
4 would like to pass on to the events in the years 1962
5 and 1963.

6 My Lord, there were hearings in
7 Washington in June of 1962, March of 1963 and July of
8 1963, but these dealt with revisions of the tariffs
9 and perhaps they may not be of too much interest at
10 the moment. The previous two hearings, I believe, are
11 perhaps of greater interest to this Commission than
12 these last three. All I can say is that they resulted
13 in some upward revisions of the tariffs and the current
14 tariff is already before this Commission. However, if
15 the Commission were interested we could supply also
16 the transcript of those hearings.

17 THE CHAIRMAN: Thank you.

18 MR. BRISSET: Q Now, Captain, you
19 mentioned in your brief at page 60 that there were
20 some changes in the pattern of operation of the pilot-
21 age services during these two years -- that is, 1962
22 and 1963. Some of these changes have already been
23 spoken to before this Commission, like the appointment
24 of trans-lake pilot trainees to do trans-lake duty in
25 Lake Ontario and the appointment of pilots from District
26 No. 3 to serve in rotation in the Port of Chicago. I
27 do not think I need go over this.

28 I would like however to have your
29 comments on this change which is quoted in Paragraph 3,
30



1 reading:

2 "Piloting on the Welland Canal
3 became a split operation with three pilots
4 embarking and disembarking at Lock No. 7."

5 Would you give us your comments on
6 this particular change and how it came about, as far
7 as you know?

8 A Well, as regards how it came about,
9 it came about as a result of the Canadian pilots in
10 District No. 2 requesting that this be put into effect,
11 and it was put into effect by the Department of
12 Transport. To explain this properly I would have to
13 go into a full explanation of the whole system or the
14 two systems that are at present in District No. 2.

15 Q I do not think you need go into a
16 very long explanation.

17 A That would be a very long story.

18 Q As we all know what the systems are.

19 A I think it is documented already and
20 I think that the Commission have got all the inform-
21 ation about that, so I will be brief in saying that
22 this change was brought about at the request of the
23 Canadian pilots.

24 Shortly after this was put into
25 effect myself and the chairman of our pilotage
26 committee, Mr. Colley, had discussions with American
27 pilots and of course on account of their system they
28 were not in favour of this split. They would prefer
29 to go right through. The reason for that, of course,
30



1 was on account of the system which the American pilots
2 operate under. The more work they do the more money
3 they get, whereas the Canadian pilots are under a civil
4 service system and they get paid and the workload is
5 not important from the pilots' point of view.

6 Q I suppose up to a limit.

7 MR. JACQUES: I would not say the
8 workload is not important.

9 THE WITNESS: Well, it is not of
10 the same importance as it is to the American pilots,
11 if I may correct myself.

12 THE CHAIRMAN: Revenue-wise, income-
13 wise it is not important?

14 THE WITNESS: Income-wise is cor-
15 rect, My Lord.

16 MR. BRISSET: Q The fourth change
17 in the pattern of operations referred to at page 60 of
18 your brief had to do with the pilot in District No. 2
19 at the lower end leaving the vessel at the lock wall
20 of Lock No. 1 instead of below the entrance of the
21 basin leading into No. 1 and therefore if this had been
22 put into effect there would have been no need for the
23 pilot boat at Port Weller. Am I right first in under-
24 standing that this actually has not been put into effect?

25 A That is correct.

26 Q But you say in your brief that it was
27 decided that it had to be put into effect. Will you
28 tell us the story about this and give us your comments?

29 A Well, do you want the history of this
30



1 situation?

2 Q Well, give us a brief history, if you
3 can, without taking too much time.

4 A The situation is that this system
5 of boarding pilots in the road at Port Weller puts an
6 extra load or extra time on the pilots going through
7 the Welland Canal area. It involves anything from two
8 to three hours' more time for the pilot when he boards
9 the ship in the road to take the ship into the tie-up
10 wall.

11 I think you will recall, My Lord,
12 that when the Federation was operating the district
13 the ships were required to come in themselves to the
14 tie-up wall. In our discussions with the American
15 pilots that I referred to a minute ago the American
16 pilots agreed with us that this would partly solve the
17 problem if the ships were to come in themselves to the
18 tie-up wall and the pilot board the ship there. It
19 would reduce the time of transit of the Welland Canal.

20 Consequently, the Shipping Federation
21 made representation in that regard to the Department
22 of Transport. We were informed that the Department
23 were in agreement with this policy and that it would be
24 put into effect. We urged that it be put into effect
25 immediately but the Department were not disposed to put
26 it into effect immediately. However, they gave us an
27 undertaking that it would be put into effect at the
28 opening of the 1964 season.

29 It has never been put into effect
30



1 and recently within the last month or five weeks I
2 wrote the Department of Transport enquiring about this,
3 why this arrangement was not put into effect. Up to
4 the time I left my office I had not received a reply
5 from the Department.

6 Q Would you know of any particular
7 reason why the Department would not have yet put this
8 into effect?

9 A I would not know any other reason
10 than the Commission has got considerable information
11 about this. This was the subject of testimony at St.
12 Catharines and I do not know any more than the Commission
13 has on record why the Department has not put it into
14 effect.

15 Q Well, we had before this Commission
16 that the Department of Transport, if my recollection
17 serves me properly, had a contract with the owner of
18 the pilot boat there?

19 A That information was revealed to
20 the Commission in St. Catharines.

21 q You recall that?

22 A Yes, I recall that.

23 Q Could that possibly be a reason --

24 MR. LALONDE: Well!

25 THE WITNESS: I think Captain
26 Slocombe would be more qualified to answer that question
27 than I am.

28 MR. BRISSET: Q All right. You
29 may recall also that during the course of the evidence
30



1 of Captain Stevenson this particular topic was discussed
2 and Captain Stevenson indicated that there was ad-
3 vantage in having the pilot board the vessel in the
4 roads before coming into the Welland Canal, as this
5 would give him the feel of the ship. What have you to
6 say to this?

7 A Yes, I can recall that evidence. I
8 do not know how to answer your question other than to
9 say that there is certainly nothing wrong with a pilot
10 wanting to have the feel of a ship, but as far as the
11 operation of taking the ship in through the Welland
12 Canal is concerned, I certainly do not think in my op-
13 inion as a seaman it is necessary for the pilot to get
14 the feel of the ship to make a good passage through the
15 Welland Canal.
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1 Q. Well, also on that topic, Captain,
2 I would like to refer you to recommendation No. 20 in
3 the brief of the Corporation of Professional Great
4 Lakes Pilots, Exhibit 1005, which I will quote to
5 you.

6 "Harbour pilots: The pilots should have
7 pilots to act as harbour pilots at Port
8 Weller at all times in order to relieve
9 three or four pilots working below Lock
10 No. 1 for several hours or again a
11 special group of harbour pilots should
12 be licensed for Port Weller only."

13 Now, if this recommendation were implemented and the
14 harbour pilot was to take a ship in Lock No.1, where
15 would the canal pilot get the feel of the ship?

16 THE WITNESS: I don't think this
17 requires any answer.

18 MR. LALONDE: If he wants to get
19 into an argument, we will get into an argument.
20 This question was asked of Captain Stevenson. Captain
21 Stevenson answered the question. I raised it myself.

22 THE WITNESS: I don't think I need
23 to answer that question, Mr. Brisset.

24 MR. BRISSET: My lord, on page 61
25 at the bottom of page 60 and 61 of the Shipping
26 Federation, rather -- I am sorry, at the second part
27 of the first paragraph on page 61, there is a
28 reference to the Committee on Government Operations
29 in the United States recommending the United States
30 Great Lakes Pilotage Administration be abolished and



1 so forth, and in this regard I would like to file as
2 Exhibit 1274 an extract of a news item which appeared
3 in the Cleveland Dealer on the 7th of July, I believe,
4 to
1963, which relates/the facts alleged in the brief.
5 It appears from this article that Captain Meschter
6 appeared before this Committee indicating that be-
7 cause Congress created the agency, that is as an
8 agency, only an Act of Congress could abolish it.
9 No action, of course, was taken under this recom-
10 mendation.

11 ---EXHIBIT NO. 1274: Extract from the Cleveland
12 Dealer dated July 7, 1963.

13
14 Q. Captain, are you aware whether this
15 proposal of this Committee was opposed by shipping
16 interests? I am speaking of ocean shipping.

17 A. Yes, I believe it was.

18 Q. By whom?

19 A. The Shipping Federation and the
20 American Marine Institute.

21 Q. Were you in contact with the American
22 Marine Institute in this connection or did they do it
23 independently?

24 A. I understood they did it independently.

25 Q. Now, Captain, in the year 1953 at the
26 beginning of the season, two years had already gone
27 by with the pilotage legislation in force and effect
28 and consequently in view of the requirements for the
29 issuance of a B certificate, under which a master to
30 hold such a certificate had to have two trips in



1 the preceding two years within the lakes, I assume
2 that these certificates that might be issued in 1961
3 came up for renewal?

4 A. Correct.

5 Q. What procedure, as far as your know-
6 ledge is concerned, was followed for these renewals
7 and what have you to say about this procedure?

8 A. Well, the same procedure that was
9 followed in the first instance and as far as I personally
10 am concerned, that was absolutely unnecessary for the
11 reason that when an officer qualifies for a certifi-
12 cate of competency or a master's certificate, he is
13 not reexamined every two years for that certificate.
14 That certificate lasts him for the rest of his life.

15 In my opinion it is absurd that these
16 officers should be put to the inconvenience of being
17 reexamined for this B certificate.

18 Q. Even where they have been trading
19 regularly during the previous two years within the
20 lakes they are still obliged to undergo the examina-
21 tion. Is that correct?

22 A. Correct.

23 THE CHAIRMAN: This is of course on
24 local knowledge.

25 MR. BRISSET: I beg your pardon.

26 THE CHAIRMAN: It is an examination
27 of local knowledge.

28 THE WITNESS: No, sir.

29 THE CHAIRMAN: The B certificate.

30 THE WITNESS: It is an examination on



1 the Great Lakes Rule of the Road principally.

2 THE CHAIRMAN: That is what I mean,
3 local knowledge on the Great Lakes.

4 THE WITNESS: That could be described
5 as semantics again, my lord.

6 THE CHAIRMAN: Yes.

7 MR. BRISSET:

8 Q. The examination I take it is also
9 for the purpose of determining whether the candidate
10 has had two trips during the previous two years?

11 A. Yes.

12 Q. The famous two trips?

13 A. Correct.

14 Q. Now, Captain, you mentioned on page
15 61 of your brief that during these two years of 1962
16 and 1963 it became apparent to the Shipping Federation
17 that there was considerable wastage of pilotage material
18 and you list on pages 61 and 62 the causes of this
19 wastage. I would like to take that up with you.

20 A. Yes. Can I comment on that?

21 Q. Yes.

22 A. These comments are being recorded
23 on the file of the Commission and I think they can
24 all be summed up in a very few words, Mr. Brisset,
25 and that is ---

26 Q. Will you proceed to sum them up in
27 a few words, please?

28 A. It is merely this, that the joint
29 agreement is unworkable.

30 Q. Now, if I may pursue this. You



1 referred in paragraph 1 to the poor and uncoordinated
2 dispatching, particularly in District No. 2. Am I
3 right in assuming that this is developed in the pro-
4 posals and reports, notes and so forth contained or
5 reproduced in pages 84 to 93 of your brief?

6 A. Correct.

7 Q. You do not want to add anything to
8 what has already been stated in these pages?

9 A. No, I cannot see any purpose in it
10 unless there is something in these pages that is not
11 clear or requires clarification. Then, I will be
12 glad to do it, Mr. Brisset.

13 Q. The second cause of wastage of
14 pilotage is described as undue detention of pilots
15 in port with a vessel at her berth or at anchor
16 and with a pilot on board at times for days and weeks.
17 Have you obtained from the Department of Transport
18 official statistics of these detentions for the years
19 1962 and 1963?

20 A. We have.

21 Q. I would like you to ---

22 MR. LALONDE: I object to the use of
23 the words "official statistics" in this case, my lord.
24 This might be a matter of semantics. They are of-
25 ficial in the sense that they are obtained from the
26 Department of Transport, not the DBS.

27 THE CHAIRMAN: Coming from the
28 opposite, the Department of Transport.

29 MR. BRISSET:

30 Q. Will you file as Exhibit 1275 the



1 following statements. A statement of the detentions
2 for 1962 for the Districts numbered 1, 2 and 3,
3 showing the hours detained in designated as well
4 as undesignated waters and the charges made in
5 respect of these detentions. Second, a statement
6 for the year 1962 of the detentions at Cleveland,
7 Toledo and Detroit showing the same details. A
8 statement for District No. 2 for the year 1963
9 showing the detentions at Cleveland, Toledo and
10 Detroit with the same details?

11 A. Yes.

12 Q. Have you got a copy?

13 A. I haven't got a copy.

14 Q. All right, take this one. Now,
15 Captain, were these detentions one of the principal
16 subjects that you investigated in 1963 at the time
17 you prepared the notes and reports contained at the
18 end of the brief?

19 A. Correct.

20 Q. Are you aware of whether any
21 remedial measures have been taken since then to
22 improve the situation, particularly in the Port of
23 Detroit where the detention charges appear to be
24 higher by a great margin?

25 A. Well, I think the statistics and
26 figures speak for themselves. There has been no
27 improvement.

28 Q. To what cause do you ascribe this
29 lack of improvement, particularly if you can give us
30 the principal reason?



1 A. That is expressed, Mr. Brisset, in
2 the memorandums and recommendations I have made after
3 my survey of the area early in 1963, at which time I
4 was surprised to learn that the dispatching at Port
5 Weller, where there is a large staff and a competent
6 staff, were only responsible for dispatching as far
7 as Southeast Shoal.

8 There was dual control as far as
9 dispatching was concerned for that area. Between
10 Southeast Shoal and Port Huron it was controlled by
11 another office. This is ridiculous from my point
12 of view. To have efficient dispatching in that area
13 it must be centrally controlled.

14 Now, with modern communications to-
15 day I don't think it is important in which area or
16 spot the dispatching is conducted from, but it is
17 important that it be centralized.

18 There are other reasons for the
19 inefficiency and wastage of pilots in this district
20 but that is a long story. I attempted to explain
21 it in the memorandums which have already been filed
22 with the Commission.

23 Q. When you say "have been filed with
24 the Commission" I take it you mean appended to the
25 brief of the Shipping Federation?

26 A. Correct.

27 Q. There is a fourth cause of wastage
28 of pilotage material to which you refer in your brief,
29 Captain. The fact that pilots who should be serving
30 really on ocean vessels are being called to serve on



1 lake vessels of British registry. In this regard,
2 has there been any improvement since this season
3 started and the brief was delivered?

4 A. There has been improvement as a
5 result of necessity only.

6 Q. In what way?

7 A. Not as a result of policy. It
8 has improved in this regard, that there has been a
9 shortage of pilots in District No. 2 and the
10 dispatcher or the supervisor of pilots in Port
11 Weller automatically, I understand, issued waivers
12 to these ships on account of the shortage of pilots.

13 Q. In other words, waivers are
14 granted more liberally than possibly was the case
15 in past years?

16 A. Yes, more liberally, and as a matter
17 of fact automatically as a result of this shortage of
18 pilots.

19 Q. To the lake vessels?

20 A. To these lake vessels; despite the
21 fact that they are under a foreign flag.

22 CAPTAIN SLOCOMBE: Foreign flag?

23 MR. BRISSET:

24 Q. Or Commonwealth flag?

25 A. Commonwealth flag, I should say.

26 ---EXHIBIT NO. 1275: Statement of the detentions
27 for 1962 for the Districts
28 numbered 1, 2 and 3.
29
30



1 MR. LALONDE: Captain Watson
2 testified to the effect he would not grant waivers;
3 there were no such things as waivers.

4 THE WITNESS: There has been a
5 new development, Mr. Lalonde, since Mr. Watson
6 was on the stand.

7 MR. JACQUES: Would you explain it?

8 THE WITNESS: I think I have.

9 MR. JACQUES: This is the new
10 development.

11 THE WITNESS: Yes, I think I have
12 explained it, that it is on account of shortage of
13 pilots that has developed recently.

14 MR. LALONDE: Yes, but he said in
15 his testimony he would not grant waivers; there is
16 no such thing as a waiver, and you were there when
17 he testified.

18 THE WITNESS: I am testifying now
19 that there is waivers being granted automatically
20 to these ships, Mr. Lalonde.

21 MR. BRISSET: By whom?

22 THE WITNESS: By Captain Watson.

23 MR. JACQUES: Waivers from the
24 American authorities?

25 THE WITNESS: Waivers from the
26 Canadian authorities.

27 MR. JACQUES: From the Canadian
28 authorities?

29 THE WITNESS: That is another story,
30 Mr. Jacques. If the American authorities was involved



1 then Mr. Watson or Captain Watson could not issue
2 these waivers.

3 MR. BRISSET:

4 Q. Put are these waivers recognized by
5 the American authorities when the ships go through
6 international waters, American waters?

7 A. No. It only applies I understand
8 as far as Canadian waters are concerned. Then
9 there is considerable red tape -- I think that has
10 been the subject of testimony before -- if the waivers
11 are granted from the Americans. As a matter of fact
12 they are opposed to granting any waivers, but that
13 is a different thing or a different subject from
14 the class of ship we are discussing now, Mr. Brisset.

15 Q. Well, I would like to pursue this
16 a little further in order to understand it. Let
17 us assume that you have a lake vessel of Common-
18 wealth registry coming into Port Weller on her way,
19 say, to Chicago, and there is a shortage of pilots in
20 the Welland Canal, as you say, and Captain Watson
21 will grant a waiver. How far will that waiver be
22 good for that ship?

23 A. Until the ship gets into American
24 waters unless there is an arrangement with the
25 American authorities and Watson. Now, I don't know
26 whether there is or not. I have not investigated that,
27 but the statement I am making, my lord ---

28 MR. LALONDE: The statement he
29 is making is hearsay, and the legal situation is
30 clear in the regulations.



1 THE CHAIRMAN: Yes, but it may be
2 a statement of fact that has developed since, and it
3 does not matter, where a system is compulsory and
4 there is no pilot available; therefore the ships are
5 not going to stay there. They will proceed whether
6 there is a waiver or not. If they can't supply
7 pilots, they should proceed.

8 MR. LALONDE: That situation is pro-
9 vided for in the regulations.

10 THE CHAIRMAN: There is a legal
11 situation, and situation of facts. He is testifying
12 on the situation of facts.

13 MR. BRISSET:

14 Q. A ship goes through the Welland Canal
15 and she is in Canadian waters and there is therefore
16 no difficulty. When she gets to the Southeast Shoal
17 into American waters, what is your knowledge of what
18 happens? Does she have to get a pilot then because
19 she is not exempt by the Americans, or does the waiver
20 stand as far as you know?

21 A. My understanding is if the ship goes
22 into American waters the waiver has to be -- it is
23 only granted permission by the American authorities.

24 Q. Now, in the case of waivers being
25 granted by Captain Watson to these vessels, do you
26 know whether or not the waiver will be accepted or
27 recognized when she gets into American waters auto-
28 matically, or whether they will have to go through
29 the normal procedure?

30 A. I couldn't answer that question.



1 Captain Slocombe would probably be the one more com-
2 petent.

3 Q. So far as you know a waiver from
4 Captain Watson may not be of much use to avoid wastage
5 of pilotage material?

6 A. As far as these Commonwealth ships
7 are concerned it is effective. Now, how it is
8 effective, probably Captain Slocombe would be able
9 to explain that. I cannot.

10 CAPTAIN SLOCOMBE: My lord, I would
11 be very pleased when I go on the stand in Ottawa to
12 explain the regulations on this and the actual prac-
13 tice.

14 THE CHAIRMAN: Very good. I have a
15 note of it.

16 Q. Captain, at the time of your investi-
17 gation in 1963 of the wastage of pilotage material,
18 did you also investigate the situation in District
19 No. 3?

20 A. No.

21 Q. You did not? Did you at any time
22 investigate the situation in District No. 3 during
23 the last year or so?

24 A. No, I did not.

25 Q. You mention at page 63 of your brief
26 that you did investigate the problems existing in
27 District No. 3 and made recommendations to the Lake
28 Superior Pilots Association. I just want to have
29 the record straight. Is that correct or not? I
30 understand this investigation was carried on by Mr.



1 Colley. Perhaps we should let him deal with this.

2 A. He comes after me, and he can answer
3 that.

4 Q. Again on page 63 of your brief you
5 mention, Captain, that in connection with your investi-
6 gation in District No. 2 you were not permitted to
7 confer with the Canadian pilots. Would you explain
8 this? What do you have in mind?

9 A. At the time I investigated District
10 No. 2 I suggested to the Department of Transport that
11 I have discussion with Canadian pilots in that dis-
12 trict. Some who I knew very well. I thought it
13 was in the interest of shipping generally that I
14 have discussion with these pilots and have relation-
15 ships with them. However, the Department of Transport
16 objected; took serious objections to me contacting
17 the Canadian pilots, so I abided by this ruling and
18 confined my visit to discussions with the officials
19 of the Department of Transport, the Superintendent
20 of Pilots at Port Weller, and discussions with American
21 pilots. I had no discussions at that time with the
22 Canadian pilots, unfortunately.

23 Q. You did not meet the same difficulty
24 with the American pilots, I take it?

25 A. No.

26 Q. In your discussions with the American
27 pilots, were you able to come to some understanding
28 as to whatever remedial measures might have been re-
29 quired?

30 A. Yes, I think it can be said that our



1 discussions with the American pilots were very fruit-
2 ful to the pilots and to the shipping interests also.

3 COMMISSIONER SMITH: In what regard?

4 THE WITNESS: Problems that were
5 outstanding for some time were resolved. As a result
6 of our discussions there was adjustment in the tariff.
7 Upward revision of the tariff, I may say, Mr. Smith,
8 and I think that is all I could say in the meantime.

9 Q. Is that covered in your notes and
10 report appended to the brief what the arrangements were?

11 A. I just don't recall. The next
12 witness, Mr. Colley, accompanied me on this visit
13 that we are referring to now or the particular investi-
14 gation that we are referring to now when I met with
15 the American pilots.

16 MR. BRISSET: My lord, to conclude
17 the evidence of Captain Matheson I would like to file
18 here as Exhibit 1276 copies of two Judgments delivered
19 by the National Labour Relations Board in connection
20 with the picketing activities of the International
21 Organization of Masters, Mates and Pilots of America
22 in 1958 when the Port Weller-Sarnia District was put
23 into operation by the Shipping Federation of Canada.

24 The first Judgment is one dated
25 October 23, 1963, and the second Judgment is one dated
26 February 26th, 1964. I might say briefly in the
27 Judgment of October 23, 1963, if I construe it pro-
28 perly, the Board ruled that whether the members of
29 the International Organization of Masters, Mates and
30 Pilots of America who were picketing -- that is, the



1 pilots -- were supervisors or employees, it was
2 immaterial; they could be enjoined from picketing as
3 participating in an illegal activity, and they were
4 so enjoined.

5 After the case was submitted to the
6 court it was remanded back to the Board to decide
7 whether in fact the pilots were supervisors or em-
8 ployees, and in the decision of February 26, 1964,
9 the Board, by a majority decision, came to the con-
10 clusion that they were supervisors and not employees.
11 If I might add this comment, my lord, I feel that the
12 Judgment of the dissenting members is much more to the
13 point. I have quite a number of copies.

14 COMMISSIONER SMITH: You have plenty
15 of copies you said?

16 MR. BRISSET: I think I have three
17 or four. I will arrange for further copies to be
18 made.

19 My lord, I have completed my examina-
20 tion of Captain Matheson, and with my learned friends'
21 consent I would like the Commission to permit that
22 his cross-examination be delayed until the evidence
23 of Mr. Colley, my next witness, is completed as Mr.
24 Colley would like to return to Montreal as soon as
25 possible.

26 MR. LALONDE: This was agreed, my
27 lord. However, I would like just to ask whether
28 Captain Matheson could tell us of what date is the
29 document at page 84 in the brief.

30 THE WITNESS: That was attached to a



1 circular that went out with the notes dated April 16.

2 MR. BRISSET: April 16th, 1963?

3 THE WITNESS: Yes.

4 MR. BRISSET: Actually the documents
5 have been interpolated. The proposals should have
6 been after the notes.

7 THE WITNESS: That is correct.

8 MR. LALONDE: Page 92, I suppose that
9 this document was attached to the letter of May 3, 1963?

10 THE WITNESS: That is the same date.
11 It is just the way they are placed in the submission.

12 MR. BRISSET: My lord, I would suggest
13 perhaps an adjournment now to permit us to get
14 prepared.

15 THE CHAIRMAN: Yes, that is quite
16 all right. We will adjourn for a few minutes.

17 ---Short adjournment.

18
19 MR. BRISSET: Mr. Colley, please.

20 ---EXHIBIT NO. 1276: Copies of two Judgments
21 delivered by the National
22 Labour Relations Board.
23
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HERBERT COLLEY, sworn

MR, BRISSET: My lord, before I start with the evidence of Mr. Colley I would like to file another exhibit which I forgot to file during Captain Matheson's examination. Captain Matheson referred to representations made to the Department of Transport seeking an easier way of renewing the B licences particularly to avoid a further examination to the masters especially if he traded in the lakes in the two years that preceded the time of the renewal.

In this connection I would like to file as Exhibit 1277 a letter from Captain Matheson to Captain Slocombe dated April 23 on this subject, and the reply of Captain Slocombe to Captain Matheson dated May 16, 1963.

---EXHIBIT NO. 1277: Letter to Captain Slocombe dated April 23, 1963, and reply of Captain Slocombe to Captain Matheson dated May 16, 1963.

MR. BRISSET: I would like to quote an extract from the reply of Captain Slocombe:

"We have given careful consideration to your suggestions, but we cannot see our way clear to instruct our examiners to re-issue B certificates without interviewing the holders."

Then he goes on to say:

"I think I should bring to your attention the fact that the U. S. Coast Guard are still not



1 reconciled to the B certificate concept. I
2 have heard unofficially that there may pos-
3 sibly be a request to Canada to refrain from
4 issuing B certificates for Lake Michigan.
5 I would stress that it is no more than a
6 rumour at the moment, but I would suggest
7 that it would be well to take it as a straw
8 in the wind and appreciate our carefulness
9 in avoiding any practice which would tend
10 to discredit our examinations and our
11 system of issuing these certificates.

12 "In other words, I suggest to you
13 most strongly that your masters be instructed
14 to comply with the rules as they stand, and
15 even at the cost of some slight inconven-
16 ience."

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DIRECT EXAMINATION BY MR. BRISSET:

Q. Mr. Colley, would you give us again your official position with the Shipping Federation at the moment?

A. I am Chairman of the Pilotage Committee of the Shipping Federation of Canada.

Q. And you have been Chairman since when?

A. 1960, I think.

Q. You are also president of the firm Colley Motor Ships Limited?

A. That is correct.

Q. I understand that vessels that you have to handle do proceed into the lakes?

A. Yes.

Q. And during the years of the pilotage legislation on the Great Lakes and the organization of a pilotage system in the lakes am I correct in understanding that you have followed closely the events that have taken place?

A. Yes. I have been very much involved both on a practical basis as a shipping agency since 1955 when I handled lines that were going into the lakes on the old canal system and since the Seaway opened. In addition I have followed the activities of the Shipping Federation in respect to all of these pilotage developments in the lakes right from their inception.

Q. In other words, there have been problems that you have been confronted with in a practical



1 way having to do with ships that you yourself were
2 handling?

3 A. Yes, very much so.

4 Q. Now, Mr. Colley, you have signed as
5 Chairman of the Pilotage Committee the brief now be-
6 fore the Commission. I simply would like you to
7 confirm for the record that in fact you have had
8 something personally to do with the drafting of this
9 brief and particularly of the recommendations?

10 A. That is correct.

11 Q. There is indicated on the last page
12 of the brief at page 83 that this brief was approved
13 at a meeting of the Pilotage Committee held on March
14 31st, 1964, and at a general meeting of the members
15 on April 8th, 1964. Were you present at these
16 two meetings?

17 A. Yes, I was.

18 Q. Are you in a position to confirm
19 that what is stated here is correct?

20 A. It is correct.

21 MR. BRISSET: I do not know if my
22 learned friends would want to have a copy of the
23 Minutes. If not, we might dispense with them.

24 MR. LALONDE: We would appreciate
25 having a copy of the Minutes.

26 MR. BRISSET: To be filed or looked
27 up?

28 MR. LALONDE: I may look it up and if
29 you wish we may decide whether or not to file it. I
30 want to see them; that is all. They may be filed, but



1 it is for the Commission to decide, not me.

2 THE CHAIRMAN: Well, in that case
3 would you file them?

4 MR. BRISSET: All right.

5 THE CHAIRMAN: As Exhibit 1278.

6 MR. BRISSET: Would you file the
7 extracts of these Minutes incorporating the approval
8 mentioned at page 83 of the brief as Exhibit 1278?

9 THE SECRETARY: These are Minutes of
10 the Committee?

11 MR. BRISSET: They are two extracts
12 of Minutes -- extract of Minutes of the Pilotage
13 Committee held on March 31st and extract of Minutes
14 of a general meeting of the members held on April 8,
15 1964.

16 ---EXHIBIT NO. 1278: Extract of Minutes of meeting
17 of Pilotage Committee of
18 Shipping Federation held on
19 March 31st, 1964, and extract
20 of Minutes of general meeting
of members of Shipping Federa-
tion held on April 8, 1964.

21 MR. BRISSET:

22 Q. Now, Mr. Colley, I would like to pass
23 on to the recommendations contained in the second part
24 of the brief of the Shipping Federation and to take
25 them up with you in their sequence, commencing with
26 Recommendation No. 1, which reads:

27 "That open water pilotage on the open
28 waters be eliminated and that until the legis-
29 lation in both countries can be amended to
30 that effect, the issuance of the "B"



1 Certificates by the Canadian Government be
2 liberalized by eliminating the previous
3 two-trip requirement, streamlining the waiver
4 procedure and providing for automatic re-
5 newal of the certificates to those officers
6 who have already undergone an examination."

7 First of all, Mr. Colley, I would like
8 you to give us a few of the main reasons that support
9 this recommendation with perhaps then illustrations to
10 indicate why the reasons would warrant the cancellation
11 or the elimination of open waters pilotage?

12 A. In the first case, of course, as is
13 obvious, we do not feel that it is necessary or
14 warranted and, without going into a lot of the tech-
15 nical reasons for this -- I believe many of them
16 have already been submitted to the Commission -- I
17 would summarize by saying that it is apparent to us
18 and I think it appears in the record that the Depart-
19 ment of Transport agrees with our point of view that
20 it is not necessary. We also have the opinions of
21 our own technical people that it is not necessary.
22 And in the course of our travels and meetings with the
23 lakes pilots I would say that there is a very large
24 body of opinion amongst the pilots, particularly the
25 pilots in the designated water areas, that this is
26 not necessary.

27 I think also we have in the record
28 the explanation of how this came about in the first
29 place. It springs originally from the United States
30 Coast Guard. I do not think it is necessary for me



1 to go into that -- that is a long topic -- but I
2 think we have that part of it on record. If anything
3 further is required I would be glad to amplify it.

4 Q. In other words, this particular point
5 was fully developed during the various hearings before
6 a number of committees?

7 A. Yes.

8 Q. That had to study the original legis-
9 lation that required pilotage or pilots all through
10 the lakes?

11 A. Exactly. But the consequences of
12 it, of having to comply with this, have been much worse
13 than we had ever contemplated when the law was first
14 passed. It is not only an additional expense -- and
15 of course that in itself is serious, because on a
16 typical round voyage a vessel without a B certificate
17 would incur something in the nature of four to five
18 hundred dollars' additional expense for open water
19 pilotage, which we maintain is not necessary -- but
20 the effects go further than that. It has a very
21 disrupting effect on the dispatching system through-
22 out the lakes.

23 If I could just illustrate by starting
24 at the beginning, in District No. 1 at the present time
25 the effect perhaps is minimal because there is a
26 separate group of pilots attached to District 1 who
27 do most of the open water piloting. Still from time
28 to time during peak periods the pilots of the district
29 have to take vessels out and beyond Cape Vincent or
30 out of the Welland Canal, as the case may be. They



1 have to leave their designated water districts to
2 perform the odd job of open water piloting. But in
3 that district perhaps one might say that the disruption
4 in dispatching is the least of any.

5 In District No. 2 it has been bad
6 because pilots have often had to continue on voyages
7 beyond Lake Huron, through Lake Huron and Michigan
8 to Chicago or up to Detour. Again through repre-
9 sentations that we have made there has been an effort
10 both on the American side and the Canadian side to
11 curtail and restrict this and to again set up a pool
12 of pilots who would be essentially used for this
13 service.

14 In District No. 3 perhaps the effect
15 is worse. The type of open water work that the pilots
16 in District 3 become involved in takes them not only
17 across Lake Superior but beyond the St. Mary's River,
18 through Lake Huron, down to as far as Port Huron or
19 even into Lake Michigan. And upon occasion these
20 District 3 pilots do duty in the Harbour of Chicago.

21 This involves quite a complication
22 when you consider that there are only, I think it is,
23 approximately eighteen pilots in District No. 3, and
24 the distances involved are quite great. So you are
25 taking away men, or you always run the risk of taking
26 away pilots from their essential duty -- or what we
27 consider to be their essential duty, firstly in the
28 St. Mary's River, which is a restricted area, and
29 secondly from the duties of harbour pilots in both
30 Duluth and Fort William. The latter, of course, is



1 not designated or restricted waters. It comes under
2 the undesignated waters. But still in my opinion
3 the function of those pilots in Duluth and Fort William
4 is a very important one and we find upon occasion that
5 there are just not enough pilots to go around.

6 We have had the case this year where at
7 a given time a choice had to be made between using
8 pilots for open water work in Lake Superior or retaining
9 them in Duluth. This is just a passing comment; I
10 do not want to get involved in it too deeply, but
11 on this occasion the view on the American side was that
12 the ships sailing from Duluth must have an open water
13 pilot on board and it did not matter if there were no
14 harbour pilots left in Duluth. The pilots themselves
15 did not like this and asked for our assistance in
16 trying to put the pilots where they felt and we felt
17 they could be made useful.

18 THE CHAIRMAN: When you say the pilots
19 did not like it, do you mean the Canadian pilots?

20 THE WITNESS: No, no. District
21 No. 3, of course, is essentially American pilots. It
22 is controlled from the Pilots Association in Duluth.
23 There are only three Canadian pilots in the district.
24 But their organization in Duluth was not happy about
25 the position that when a choice had to be made the
26 pilot had to be used for open water work.

27 They had applied on this occasion,
28 they had suggested a waiver be granted to the ship
29 making the trip across Lake Superior, but they were
30 told this could not be done, that the pilot must take



1 the first assignment and if it happened to be a cross-
2 lake assignment he must go there rather than wait in
3 port for harbour movements.

4 Am I going in proper sequence here?

5 MR. BRISSET: Yes.

6 Q. Have you other instances to cite
7 with respect to the side effect on this open water
8 pilotage and the dispatching and the availability of
9 pilots in the properly restricted areas?

10 A. Well, naturally it upsets. The
11 example that I have just given can be repeated in any
12 of the districts, of course, and it stands to reason
13 that if you have to put a pilot on board a ship on
14 Lake Huron, for example, and send him around Lake
15 Michigan, perhaps calling on three or four ports and
16 back again, he may be away from his district for
17 three, four, five days. In fact in the past we
18 have had them away from their district for ten days
19 and longer. This is depriving the district, what
20 we consider the essential pilotage district where
21 we want the pilots; this is depriving that district
22 of the skills of a man who is trained for that special
23 job.

24 I do feel for any accredited pilot
25 and any pilot who is proud of his profession it is
26 a demoralizing thing, and this has been confirmed to
27 me in various conversations with pilots. After all,
28 it is not piloting and I think it is rather degrading
29 to a pilot who is proud of his profession to even
30 suggest that it is.



1 Q. Are you aware at all either personally
2 or from reports that you may have had from the masters
3 of ships of the type of work, if any, these pilots
4 are doing going across the open waters of the lakes?

5 A. Yes. Generally speaking they do not
6 do anything. It depends, of course, what time of
7 day that the trip is being made, but I would say quite
8 commonly the pilot never goes to the bridge at all.
9 He just proceeds to his cabin and he takes advantage
10 of the opportunity to rest. So there is no piloting
11 in the sense that we know piloting.

12 Q. Now again speaking of the side effects
13 of this open water pilotage can you give us an idea of
14 what is involved by way of extra expenses in addition
15 to the \$50 a day that the tariff provides?

16 A. Well, of course, it varies. Under
17 the existing tariff the open water work is paid for at
18 the rate of \$50 a day or part thereof plus reasonable
19 expenses incurred in joining the ship or returning
20 to base.

21 In District No. 1 I would say the
22 distances involved in returning to base are perhaps
23 the least or the shortest of any district. Well,
24 I could give you an average. I do not know whether
25 you want some of the actual figures.

26 Q. Well, as I understand it the travel-
27 ling expenses of the pilots who join a ship have to be
28 paid in addition to the \$50 per day?

29 A. Yes.

30 Q. You were speaking of District No. 1



1 where you say the distances are shorter and I would
2 assume the expenses are the less important. Never-
3 theless could you just illustrate what kind of cases
4 you might have to deal with or abuses you might be
5 faced with? Perhaps you could explain to the Com-
6 mission what happened, I believe, last year in con-
7 nection with expenses charged by pilots which were
8 later refunded?

9 A. Yes. In District No. 1 last year we
10 ran into a situation where pilots were billing for
11 open water work with the addition of expenses that
12 were not itemized or supported in any way. In other
13 words we would receive an invoice for services rendered,
14 \$50, for the open water work and a lump sum figure of
15 \$25, \$35 for expenses.

16 The Shipping Federation and the
17 individual companies endeavoured firstly to have this
18 Pilots Association submit a breakdown of the expenses
19 just to explain what it was -- not necessarily
20 supporting vouchers, but an accounting to show that
21 a certain proportion was for train or bus fare, a
22 certain proportion for hotel or meals, or whatever it
23 was. We found this very difficult. For some reason
24 they did not seem to want to give us this information.
25 Eventually it became the practice of most agents to
26 refuse to pay the bills until this information was
27 forthcoming.

28 -
29 -
30 -



1 Then we found there were considerable
2 questions about the makeup of the expenses and in many
3 of these cases they were referred either to the Depart-
4 ment of Transport at Ottawa or to the Pilotage Adminis-
5 tration in Washington for a ruling as to their correct-
6 ness.

7 In due course this resulted in a member
8 of the Department of Transport and also of the American
9 Pilotage Administration proceeding to Cape Vincent to
10 investigate the matter and apparently they found that
11 these expenses in many cases were not supportable and
12 the net result was that by this spring the accounts
13 had all been reviewed and a very considerable sum of
14 money was refunded to the shipping companies.

15 I don't know officially what the
16 figure amounted to. I have heard it but it came to
17 several thousand dollars. I know in our case we
18 received a refund of several hundred dollars and
19 again ---

20 MR. JACQUES: If I may interrupt.
21 We may be able to secure these figures from Ottawa,
22 on the expenses refunded.

23 THE WITNESS: Yes, I would imagine
24 they would have them available.

25 MR. BRISSET:

26 Q. You said in the case of your own
27 company it amounted to several hundred dollars and
28 then you were about to add something when there was
29 an interruption.

30 A. I just wanted to philosophize a little



1 on this because this was a topic that came up at some
2 of the hearings on the American side and I think it
3 was recognized that we should have a system such as
4 this where a pilot, submitting an expense, there is
5 a human nature involved where someone is --there is
6 a temptation to perhaps pad the account a little bit.

7 This was recognized at the time and
8 one of the suggestions of the U. S. Administrator was
9 to eliminate this completely by having a set sum added
10 to the \$50 fee in the form of a certain amount --
11 X dollars per day in addition to \$50 to be added to
12 cover all travelling and then there would be no ques-
13 tion of this.

14 The difficulty in arriving at a
15 standard figure was that the conditions varied in each
16 district. Whereas the average travelling expense in
17 District 1 may be only four or five dollars per trip,
18 when you get into District No. 3 with the longer
19 distances involved, the average could be three or
20 four times that.

21 So, it was not possible to arrive at
22 a simple average figure that could be used in lieu of
23 expenses.

24 Nonetheless, we did not have any such
25 problem in other districts. Their billings were
26 always made on the basis of -- in addition to the
27 invoice there was always attached to it an expense
28 account that itemized their individual account.

29 It is true we had questions raised on
30 the expenses from time to time but not on the same



1 basis as District No. 1. In other words, there didn't
2 appear to be any outright attempt to bill for expenses
3 that were never incurred but this obviously occurred
4 in District 1.

5 The type of expense would be when a
6 pilot came from Cape Vincent to Port Weller and then
7 sent in his bill against that trip as though he had
8 had to go overland to return to Cape Vincent; whereas
9 in actual fact he got on another ship a few hours
10 later and went back. It was purely fictitious.

11 We did not have that problem in
12 other districts. It became -- well, let me give you
13 an example of what happened in District No. 3. In that
14 very type of operation the pilot might end up or he
15 could complete his assignment some distance from his
16 home base. He may get off the ship at Port Huron
17 and then the question is: Should he return to his
18 base in Duluth or should he take a chance and stay in
19 Port Huron in the hope to get another assignment that
20 would return him to his base?

21 Now, in the course of doing this, and
22 I agree the motive was a good one, the Pilots
23 Association decided that the best thing, if there
24 was no immediate need for that man in Duluth, would
25 be to hold him for a maximum of three days in Port
26 Huron in the hope something would turn up rather than
27 incur the rather/air fare and transportation back to
28 Duluth.

29 But the pilots went one step further
30 and billed us for three days' living expenses for this



1 pilot. We questioned this as we felt this was an
2 internal operating matter and it was a risk that the
3 pilots were taking and that therefore it should be
4 for their expense and not for the vessels.

5 We were supported in this contention
6 by the Administrator and also by the Department of
7 Transport in this case and that practice then was
8 stopped.

9 What I am trying to illustrate are
10 some of the offshoots of open water pilotage and in
11 doing so ~~disrupted things~~ and they create instances that
12 can lead to bad feelings.

13 This is one of the things that we were
14 very anxious to avoid when the question of expenses
15 first arose. If there had been a simple way of
16 eliminating the detailed accounts I think we all would
17 have agreed immediately, let us do so, because when
18 you have expense accounts you are bound to have ques-
19 tions raised and when you have questions raised you
20 have to question the integrity of the pilots who are
21 working for you and you can only expect that you are
22 going to run into bad feelings somewhere along the line
23 and it is much better if you can avoid this.

24 MR. LALONDE: Excuse me. Is it not
25 a fact that in District No. 1 one of the main sources of
26 let us say remuneration was the problem of interpretation
27 as to what the bases were of operation. The pilots,
28 I think, understood they had one base, that is Kingston,
29 and all the expenses outside Kingston should be charged
30 while the Department and the Administrator took the view



1 that if you had two bases, one at Cape Vincent and
2 one at Kingston, they could not charge living expenses
3 at Cape Vincent.

4 THE WITNESS: That is right.

5 MR. LALONDE: The main remuneration
6 in this connection was all the living expenses they
7 had in Cape Vincent? No doubt there were other
8 causes, I am sure.

9 THE WITNESS: Yes, you are quite
10 right. There was a question on the interpretation
11 of what is a base and this caused considerable con-
12 fusion.

13 MR. BRISSET:

14 Q. Still remaining within the ----

15 MR. LALONDE: Excuse me. I said
16 Cape Vincent and Kingston. I meant Cape Vincent and
17 Port Weller.

18 THE WITNESS: Yes.

19 MR. BRISSET:

20 Q. Still remaining within the District
21 No. 1, which you said was the district in which the
22 distances through open waters were the shorter, would
23 you explain also the side effects of the \$50 charge
24 per assignment or for 24 hours or part thereof which
25 this could produce in that district?

26 A. Well, I have often heard that the
27 objective of the tariff was to provide equitable rates,
28 that is fair remuneration for the particular job
29 concerned, and this has been repeated, I would say,
30 mainly on the American side to us for it is one of



1 the standard phrases that the rates must be equitable.

2 Of course, the open water rates are
3 not equitable. They are the most inequitable rates
4 that we have in the entire tariff. By the very nature
5 of the geographical features of Lake Ontario and the
6 distances involved, the maximum length of time that
7 you would have, going from one end of the lake to the
8 other, is approximately twelve hours, half a day, so
9 in this case the pilot would receive \$50 for half
10 a day's work.

11 Now, in District 3 is the other
12 extreme. Across Lake Superior the time element is
13 approximately 24 hours so here the pilot gets \$50
14 for 24 hours' work. This leads to further compli-
15 cations in so far as there has been ---

16 Q. When you say 24 hours' work you mean
17 24 hours of being on board?

18 A. Yes, that is correct. This has led
19 to further complications that are a little bit diffi-
20 cult for us to understand now. Maybe I am getting
21 ahead of myself because what I am referring to comes
22 up in the next recommendation.

23 Q. There was one point here I would like
24 to cover. Coming back again to District No. 1 you
25 said that the maximum length of trip would be twelve
26 hours. Would you not have trips that will be only
27 six hours, say from Toronto to Port Weller or even
28 less than six hours?

29 A. Oh, yes.

30 Q. So some pilots could do at least two



1 trips within one day?

2 A. Actually they do. If you look at
3 the statistics for District 1 you will find that a
4 group of open water pilots actually make a con-
5 siderable number of trips and that in fact their
6 total revenues compare very favourably -- it is
7 amongst the highest of the entire group. In other
8 words they are making money. In fact I think they
9 actually have the highest figure for making more money
10 than the pilots in the district and unlike the pilots
11 in the district they get paid in addition the ex-
12 penses. That is, the pilot boat expenses are a
13 surcharge over and above this revenue, whereas the
14 other pilots have to pay out of their own funds, out
15 of their revenues, for a pilot boat et cetera.

16 Q. Let us get back to this example I
17 was trying to resolve here where you have an open water
18 pilot in Lake Ontario who can do at least two six-hour
19 trips in a day and who still gets the basic fee of
20 \$100 for that day; is that correct?

21 A. That is correct.

22 Q. Even though he might have been on
23 board only twelve hours as compared to the Lake
24 Superior pilot who would have been on board twenty-
25 four hours and getting \$50 for it?

26 A. Correct.

27 Q. Now, to refer back to what you were
28 stating earlier about the possibility of setting a
29 lump sum for expenses, if that had been done, for
30 instance, and \$25 given for each assignment to cover



1 expenses and thereby increasing the open water pilotage
2 fee to \$75 a day, in fact, the same Ontario pilot
3 would have been getting \$150 a day for his two six-
4 hour assignments?

5 A. That is correct.

6 Q. Plus expenses?

7 A. Yes. No, not in that case, in lieu
8 of.

9 Q. So this is one of the side effects
10 that you get within the open water pilotage which
11 affects the vessels from a financial point of view?

12 A. Yes, and it becomes quite involved and
13 confused. I think when you get on to the next recom-
14 mendation we will have further examples that continue
15 taking this same line.

16 Q. Perhaps on the same line you could
17 explain to the Commission what was the attitude of the
18 Lake Superior pilots at the Detroit hearings a month
19 or so ago when there was a suggestion that the open
20 water rates of pilotage be increased?

21 A. Well, in this regard it must be borne
22 in mind that the harbour work, that is the charges
23 for moving ships and shifting in Duluth, as in every
24 lake port, is based unfortunately on the undesignated
25 water tariff because there is no separate tariff for
26 pilot work. Consequently when a vessel is
27 shifted in port the pilot bills at the rate of \$50
28 per 24 hours or part thereof and in addition he is
29 entitled to \$25 for the docking or undocking.

30 THE CHAIRMAN: Excuse me. I didn't



1 hear the last word.

2 THE WITNESS: Twenty-five dollars
3 for the docking or undocking. If it is a shift, the
4 \$25 covers both the undocking and docking. Conse-
5 quently every harbour movement is \$75. When the
6 suggestion came up that the open water rate be increased
7 to \$75 per day, obviously this would mean that every
8 shift in the Port of Duluth would be \$100.

9 MR. BRISSET:

10 Q. That would have been the side effect?

11 A. Yes, and the pilots in District No. 3
12 were in a bit of a quandary on this. They explained
13 that as far as they were concerned they did not con-
14 sider that \$100 for a shift in Duluth was warranted
15 and they went further than this to say that they
16 were not simple enough to think that they could re-
17 ceive this much additional remuneration without per-
18 haps affecting the welfare of the port and therefore
19 they were dead set against it although if the open
20 water pilotage was to continue and have them be
21 remunerated for being on board a ship going across the
22 lakes, they agreed that \$50 was not sufficient. So
23 here they had a situation ---

24 MR. LALONDE: I am sorry, Mr. Colley.
25 Was this said at the hearing in Detroit?

26 THE WITNESS: Yes.

27 MR. LALONDE: I submit, my lord,
28 that there is a stenographic record of the transcript
29 and I think the best evidence is what my friend has
30 filed with the Commission and that is the stenographic



1 transcript. We are still hearing hearsay and inter-
2 pretation of what other people said. I do not want
3 to imply that Mr. Colley is wrong. I don't know
4 because I wasn't there but I think that the best evidence
5 in the transcript itself.

6 THE SECRETARY: My lord, in Exhibit
7 1212 filed on June 15th, last Monday, there was a
8 memorandum that I prepared for the Commission on my
9 attendance at the hearing in Detroit and these memoranda
10 referred to the transcript of the proceedings which
11 form part of this exhibit.

12 THE CHAIRMAN: So with this warning
13 to the Commission from Mr. Lalonde, you may continue.

14 THE WITNESS: I think I had finished
15 that description. I am just trying to describe the
16 overall picture.

17 THE CHAIRMAN: That is quite all
18 right. I understand that. We appreciate it and
19 Mr. Lalonde may be sure also we are going to verify
20 this because one's impression may not be the one that
21 another person might get from the record. In any
22 event we will check up on it.

23 MR. BRISSET;

24 Q. At all events this is purely a
25 mathematical conclusion; if the open water fee had
26 been increased to \$75 then automatically this is a
27 side effect. The fee for docking and undocking
28 would have been increased to \$100 for each ship?

29 A. Yes. This, of course, is the point
30 that there may be incentive -- assuming that the open



1 water system continues, there may be incentive for
2 increasing the rate in a particular area for a
3 particular purpose, but then as you consider the side
4 effect you have to ask yourself: Does it warrant this
5 increase? Is that equitable in District 1? Is it
6 equitable for harbour movement in Duluth or at Fort
7 William? Is it equitable for Chicago?

8 This is not a very sound or logical
9 approach; the way the tariff is made up.

10 Q. Now, you have told us earlier that
11 in District No. 1 the distances were shorter and
12 therefore the travelling expenses were the lesser of
13 the three districts. But it is a fact, is it not,
14 that in District No. 3 the distances are quite long
15 and in that regard I would like you to give us, if you
16 can, possibly an idea of what the travelling expenses
17 would be for a pilot doing open water pilotage and
18 charging his expenses to return to his own home base
19 say from Port Huron to Duluth or from Chicago to
20 Duluth or vice versa?

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1 A. Well, let me just say in general
2 before I get into deep water with Mr. Lalonde again
3 they can certainly run over \$75, but if the transcripts
4 of the inquiry hearings in Cleveland or subsequent
5 American hearings are going to be presented to the
6 Commission you will find in there a very complete
7 description given by the District 3 counsel of these
8 expenses broken down and describing how they have to
9 make connections and meet air lines, only go part of
10 the way and they have to take a bus two miles or a
11 taxi and sleep overnight in a farm house, and so on.
12 It is a complete story. However, to answer your
13 question I would say they can run well over \$75 on
14 occasion and they can also be on a considerably lesser
15 scale. They would often run perhaps no more than
16 \$20, perhaps even a little less than that.

17 Q. So that in one case a ship for the
18 same service would have to pay considerably more than
19 another ship?

20 A. Yes.

21 Q. Because of just the chance ---

22 A. Exactly.

23 Q. --- of the pilot having to travel
24 further or not as far?

25 A. Quite so. In other words, a pilot
26 leaving Duluth, for example, and travelling with the
27 ship all the way to Port Huron, was fortunate enough
28 to step off that ship and onto another vessel that
29 was returning to Duluth, there would be no travelling
30 expenses involved, but if he had to fly back to
Duluth, obviously it would be quite an expense.



1 Q. As far as the ships are concerned,
2 this service, if we may call it a service, is the
3 same but they do not pay the same?

4 A. No.

5 COMMISSIONER SMITH: My lord, I would
6 like to ask a question in this pause. Mr. Colley, on
7 page 66 of your brief, eight lines from the bottom, are
8 these words, speaking about open water piloting:

9 "This is not in fact 'piloting' as the 'pilot' does
10 not even have to set foot on the ship's bridge and
11 for the most part will spend his time on board resting
12 in the pilot's cabin."

13 I would like to preface my question
14 by a few preliminaries. I have been told that piloting
15 on the open waters of the lake is the same or similar
16 to piloting on the high seas. Whether it is or not
17 I am not qualified to say. That is the information I
18 have. Now, piloting on the high seas or something
19 akin to the high seas, the expert navigator is the
20 master of the ship. The pilot is the expert in
21 confined and restricted waters. I cannot conceive
22 of any circumstance that would happen piloting on
23 the open waters that would require the advice of the
24 expert who was the expert only on confined and re-
25 stricted waters, and that is all he claims to be.

26 Now, I would like to know from you
27 what circumstance could arise that would necessitate
28 the master or the qualified officer on the bridge
29 asking the pilot for advice on navigating on the open
30 waters?



1 THE WITNESS: I should say firstly
2 that I am not a technical expert in this regard, Mr.
3 Smith, and I can only report from the discussions and
4 the comments and the knowledge that I have from our
5 own technical people and the captains that I have dealt
6 with. But the answer really is that there is nothing
7 for them to do.

8 I have heard it alleged that such a
9 man could be very valuable if the vessel should run
10 into fog at a particular area, but this, of course,
11 that a ship's master is very familiar with. He has
12 to deal with fog in all parts of the world. I don't
13 see that that is very unusual. I don't quite see
14 what this man on board could do that the captain
15 could not do.

16 It has also been suggested that where
17 there is cross-traffic, perhaps ferry boats running
18 across Lake Michigan -- that the local man would have
19 knowledge of this and perhaps be more aware of this
20 than an ocean vessel. Again this is no different
21 from the experience that a captain is quite used to
22 in waters such as the English Channel and so on. In
23 fact I understand traffic that they would meet in
24 the English Channel or the Baltic is considerably
25 greater than what they would run into in the lakes,
26 so I do not really know. We can't think of any
27 particular reason or place where this man could really
28 justify himself.

29 COMMISSIONER SMITH: I thought in
30 the statement that is made there and that I quoted,



1 "does not even", I thought the "even" left the door
2 ajar a little, that there might possibly be some kind
3 of a situation arise that he would be of some help.

4 THE WITNESS: No. I think what was
5 implied here, Mr. Smith, was that there is no obliga-
6 tion on the part of the pilot to come up to the bridge
7 as would normally be the case with the pilot who is
8 going through restricted waters. That does not mean
9 that they wouldn't do so.

10 COMMISSIONER SMITH: No.

11 THE WITNESS: And I am sure in many
12 cases they would go up and report to the captain, but
13 it is not part of the implied service.

14 Q. All that the pilot has to do then is
15 to be on board; he could be in the lounge, he could
16 be in his cabin, he could be any place on the ship,
17 and that is the extent of his obligation?

18 A. Correct.

19 MR. LALONDE: We are getting in-
20 volved in a question of legal interpretation on this
21 matter. Myself, I have very strong doubts a pilot who
22 would be employed on open waters by a ship could refuse
23 to come up or be available if the master required
24 him to be there. By the regulations and the bylaws
25 if the master were to say "I want you on the bridge
26 all the time", the pilot would have no choice.

27 THE CHAIRMAN: There might be a
28 difference between the legal situation and the factual
29 situation.

30 MR. LALONDE: Oh, yes.



1 MR. BRISSET: It is not denied that
2 if the master calls the pilot to the bridge he has to
3 go there.

4 MR. LALONDE: He is available at all
5 times.

6 THE CHAIRMAN: Yes.

7 MR. BRISSET: He has to go.

8 THE CHAIRMAN: In a fog he would go
9 there, and especially when they are near the shore he
10 will go there and make sure everything is all right.

11 MR. LALONDE: The pilot must be
12 available, indeed, according to the regulations, but
13 I thought the questions were misleading in that respect.
14 It is all right. We agree.

15 MR. BRISSET: He is available at all
16 times. He doesn't have to be on the bridge. He can
17 be anywhere on the ship subject to call.

18 MR. LALONDE: The same thing in a
19 district, my lord, in the restricted waters, he doesn't
20 have to be on the bridge.

21 MR. BRISSET: He has to navigate ---

22 MR. LALONDE: In any district the
23 master of the ship can tell the pilot "I don't need
24 you. You may have your breakfast or rest here."

25 THE CHAIRMAN: This is a question of
26 regulations.

27 THE SECRETARY: If I may, my lord, I
28 do not want to anticipate on your evidence, but in
29 your reply to Commissioner Smith as to what you might
30 have heard from captains or masters of ships plying



1 the Great Lakes as to possible causes that might re-
2 quire the services of pilots, I noted that you men-
3 tioned nothing about the local rules of the road.

4 Considering, of course, what you say
5 is hearsay, have they reported to you at any time that
6 the local rules of the road on the Great Lakes made it
7 necessary or desirable for the pilot to give assis-
8 tance?

9 THE WITNESS: No. Of course this
10 is one of the basic points, and this is a matter on
11 which a master is examined to get his B certificate,
12 and it is our contention I think, as Captain Matheson
13 explained recently, that any ocean master has this
14 obligation to be familiar with the rules of the road
15 by virtue of being the master of the ship. This is
16 his obligation. If he is not competent to be a
17 master, then surely the corrective device is not to
18 add another body who will know, but rather -- the
19 master is open to criticism -- there could be a
20 question as to whether or not he is a competent
21 master.

22 THE SECRETARY: Do you happen to
23 know whether there are any other ports of the world
24 with local rules that are different from the inter-
25 national rule for prevention of accidents at sea
26 that require services of pilots?

27 THE WITNESS: No. Well, No. 1, I
28 am aware that there are different local rules in dif-
29 ferent parts of the world, and a master, as I under-
30 stand it, is obliged to be familiar with these rules



1 and comply with them, but I am not aware that through
2 any local rules it is customary to have another body
3 on board to interpret those rules for the master.
4 That would be a question better asked of a seafaring
5 man, I think.

6 THE SECRETARY: Thank you very much,
7 Mr. Colley.

8 MR. BRISSET:

9 Q. One more question on the topic of
10 open water pilotage, Mr. Colley. You are aware, are
11 you not, that the requirements to obtain a B licence
12 are, briefly, to hold a master's licence issued by
13 the country of the nationality of the applicant,
14 knowledge of the English language, knowledge of the
15 rules of the road, and then two prior trips within
16 the previous two years?

17 A. Yes.

18 Q. In your own experience in so far as
19 obtaining B certificates by the masters of the ships
20 which you have been handling, what of those four
21 requirements have prevented a master from obtaining
22 a B certificate generally?

23 A. The only thing, the only requirement,
24 the absence of two trips within the last two years.

25 Q. Have you had any master on any of
26 the ships that you have handled that have been refused
27 a B licence because he could not comply with the other
28 requirements?

29 A. No, never.

30 Q. To your knowledge, speaking of other



1 ships of other members of your Federation, are you
2 aware of any certificate being refused or of any
3 captain being unable to qualify otherwise than be-
4 cause he had not made two prior trips?

5 MR. LALONDE: I object to this
6 question. This question should be asked of the
7 people who passed the exam. They know whether or
8 not any licence has been refused.

9 MR. JACQUES: We will ask the
10 Department to supply us with details showing the
11 number of B certificates issued, and the number of
12 failures, and the number of the renewals and the
13 number of cancellations.

14 MR. BRISSET: All right.

15 MR. JACQUES: And any other details
16 my learned friends may wish.

17 Q. Mr. Colley, page 67, speaking
18 of your brief, speaking of the two prior trips re-
19 quirement, you give this illustration, and I quote:
20 "The layman would possibly better understand how
21 ludicrous the position is if he were advised when
22 obtaining his driver's licence . . ." -- I take it,
23 automobile driver's licence -- "that it would only
24 qualify him to drive on thruways on which he has
25 made two trips during the previous two years."

26 Can you imagine this disruption on
27 highways if such a requirement would have to be ad-
28 hered to on land as it is on the open waters of the
29 lake?

30 A. I think it would be a little too much.



1 Q. I want to pass on to recommendation
2 No. 2.

3 THE CHAIRMAN: On what you just said
4 I could imagine something similar: a North American
5 going to England, for instance, and trying to drive
6 a car over there. They might ask him whether he
7 knows the rules of the road. It might be a little
8 different.

9 ---Off-record discussion.
10

11 THE CHAIRMAN: We will adjourn until
12 two-thirty.

13 ---Luncheon adjournment.
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1 ---UPON RESUMING AT 2:30 P.M.:

2
3 MR. BRISSET: Q Mr. Colley, before
4 we leave recommendation no. 1, I would like to come
5 back to one point having to do with this part of the
6 recommendation to the effect that open water pilotage
7 on the open waters should be eliminated. The thought
8 I had in mind is the following; is it the intention of
9 the Federation in making this recommendation to do away
10 with the inspection of the ship pre-entrance into the
11 Great Lakes to ascertain whether, from a navigational
12 point of view, she is properly equipped and that her
13 officers have the required competency?

14 A No, on the contrary. As we have
15 already recounted in previous testimony, we are very
16 much in favour of a proper and realistic inspection
17 system and I think we would not be realistic if we did
18 not recognize that there could be certain classes of
19 vessels, particularly in the tramp field and perhaps
20 by certain nationalities, that we must admit would
21 probably face difficulties in the lakes if they just
22 went right through without any warning, without any in-
23 spection and without any assistance.

24 I think it is also realistic to say
25 that in some cases these vessels would seek out as-
26 sistance whether they were compelled by law or regu-
27 lation to use it or not, but we have tried to take a
28 realistic approach to it and we think that the answer
29 is a proper and thorough inspection system under one
30 authority and not divided up the way it is and not



1 haphazard the way it is to determine where and when a
2 vessel actually does require supplementary assistance
3 and the form that that should take.

4 Q Now, you appreciate of course that
5 the abolition of open water pilotage would require an
6 amendment in the legislation of both countries, which
7 may be a long process?

8 A Yes. But still as I understand it
9 it would be within the power of the Department of
10 Transport to amend their regulations, which presently
11 require the two trips before getting the B certificate.
12 They could amend that without amending the law. If you
13 take away the 2-trip requirement, of course, in effect
14 you are eliminating, or you are not making open water
15 pilotage compulsory anyway.

16 Q That is from a practical point of
17 view in view of the other qualifications of the masters
18 and officers of the ocean-going vessels?

19 A Exactly. If I could just amplify
20 that a little bit, it does seem to us that it would
21 be perhaps more intelligent all 'round to have the
22 type of inspection that we have described previously
23 and then certify a vessel and its complement as being
24 in a satisfactory condition to proceed into the lakes
25 than the present system which merely looks at the
26 fact that an officer with a master's ticket has had two
27 previous trips, and permit the ship to go on that basis.

28 I think our suggested inspection
29 would really be more stringent and more effective and
30



1 more intelligent than the present system.

2 Q Mr. Colley, I would like now to pass
3 on to recommendation No. 2, the first paragraph of which
4 reads:

5 "That the pilotage scheme
6 for the Great Lakes be revised by dividing
7 the Great Lakes Basin into the following
8 spheres of control." -- namely Canadian and then
9 American. But before going into each of the spheres
10 I would like to go into some general questions related
11 to the present system of operations on the Lakes.

12 In this regard I would refer you to
13 the Memorandum of Arrangements regarding Great Lakes
14 pilotage between the Secretary of Commerce of the
15 United States of America and the Minister of Transport
16 filed as Exhibit 433. I draw your attention to the
17 preamble of the memorandum at page 2 where it is stated
18 that the Secretary of Commerce of the United States is
19 responsible for carrying out those provisions of the
20 Act relating to the registration of United States
21 pilots and so forth, and then to these words, and I
22 quote:

23 "In carrying out these re-
24 sponsibilities the Secretary is authorized
25 by the Act to enter into arrangements with
26 an appropriate agency of Canada for" -- and I
27 underline -- "an equitable participation by United
28 States registered pilots with Canadian registered pilots
29 in the pilotage services required by the United States
30



1 and Canada."

2 Then on page 6 in the arrangements
3 recorded in Paragraph 2(a) it is stated as follows:

4 "United States and Canadian
5 registered pilots will participate in render-
6 ing pilotage services in the United States
7 and Canadian waters of the Great Lakes and
8 will participate equally on the basis of
9 total members for those waters included in
10 United States and Canadian districts, nos.
11 1, 2 and 3 when over-all parity is achieved
12 in such districts."

13 Keeping these extracts in mind as I
14 have just read them, will you tell us from your own ob-
15 servation how this is actually applied in the Lakes at
16 the moment?

17 A Well, if I can go back a little bit
18 first, it is in our brief on page 48, where we refer to
19 a letter that we wrote to the Department of Transport
20 on September 13th, 1960, in which we recommended re-
21 stricted areas and the method in which these areas
22 would be serviced -- that is, Canadian and United States
23 participation as far as pilotage is concerned.

24 I must say that up to the time that
25 the Aide Memoire became public we were more or less of
26 the impression that the suggestions that we had made
27 would be followed or closely followed and it was only
28 after the Aide Memoire became public and in fact the
29 actual regulations were published that we learned that
30



1 the districts were going to be on the basis of the type
2 of participation that we now have.

3 I might say these are not official
4 figures, but I have compiled them from these 1963
5 Department of Transport statistics indicating here that
6 in District No. 1 for example, there are 16 U.S. and
7 24 Canadian pilots; District 2, 30 U.S. and 42 Canadian;
8 District 3, 15 U.S. and 3 Canadian, which gives a total
9 of 61 U.S. and 59 Canadian.

10 The implication of this Memorandum
11 of Arrangements seems to imply first of all that there
12 should be an equitable participation between U.S. and
13 Canadian pilots, but then in the latter part that you
14 just quoted, Mr. Brisset, they became a little bit more
15 specific.

16 Q In other words, the word "equitable"
17 now becomes the word "equally"?

2 A Yes. We have found, I must say in
19 our dealings, particularly on the American side, but
20 also I think this is confirmed by the Department of
21 Transport in Ottawa, that there is an objective parti-
22 cularly in Districts 1 and 2 to make the participation
23 as close as possible to fifty/fifty, and it gets to the
24 stage where the consideration is not what is the most
25 efficient and simplest way to run a district -- and by
26 the same token perhaps the least expensive way to run
27 a pilotage system. That does not seem to be the prime
28 consideration. Rather, the prime consideration is, how
29 are we doing on this equal participation requirement
30



1 and are things really being equitable?

2 A If I may interrupt you, would you
3 be prepared to go so far as to say that a consideration
4 which does not seem to enter into the minds of those
5 who are administering the system is that of safety
6 over parity?

7 A Well, if you are drawing a direct
8 comparison between safety and parity, I do not know.
9 Perhaps that would be a consequence. But I can only
10 say that this seems to be of prime consideration in any
11 of the operational problems connected with pilotage
12 -- have we got the right number of U.S. pilots and
13 the right number of Canadian pilots, not whether we are
14 operating the most efficient pilotage system. And I
15 guess you are right that if you are not operating the
16 most efficient system it is quite possible that safety
17 could suffer.

18 Q And costs too as regards the ships
19 served?

20 A The costs, of course, are consider-
21 ably higher than they need be because of this
22 requirement.

23 Q Now, I draw your attention again to
24 the quotation I have read from page 6 of the Memorandum
25 of Arrangements which deals with equal participation
26 on the basis of total numbers for those waters included
27 in United States and Canadian districts nos. 1, 2 and
28 3. It would seem to me that we are dealing here with
29 restricted waters and what I want to ask you is whether
30



1 you have found from your observation that this principle
2 of parity has also been extended to the open waters?

3 A Yes. I cannot quote the figures on
4 that to you, but it is a fact that this apparently is
5 a very important point. Let me cite the example of
6 our problem of port pilotage in Toronto and Hamilton
7 where the view in Canada was that we should have and
8 support separate port pilotage organizations as we
9 have them set up under the Harbour Commissioners in
10 Toronto and Hamilton.

11 Q May I point out to you here that
12 the waters of the ports of Toronto and Hamilton which
13 you have just mentioned are undesignated waters, of
14 course?

15 A Yes. Therefore as far as use of
16 registered pilots is concerned for those ports they
17 are of the undesignated water category or group -- al-
18 though not necessarily confined to them; but normally
19 that would be the way they would be used.

20 It was suggested by us that one
21 very simple solution to this harbour pilotage problem
22 would be to register the existing pilots who come under
23 the harbour commissioners and who proved quite
24 satisfactory. On the American side they rather re-
25 sisted this idea in the name of parity. They say:
26 "All right, you can have your own pilots in Toronto
27 and Hamilton, but they must be men who come out of the
28 general pool and who are rotated."

29 Then we say: "Well, how will these
30



1 people ever become specialized harbour pilots? You
2 will have a different man every day or every few days."
3 "That is exactly what we want", is the American impli-
4 cation on this.

5 So because of the necessity or the
6 over-all importance of this parity question on the
7 administrative level in Washington we are prevented
8 from attaining what we think is a rather obvious and
9 logical solution to harbour pilotage. That is the one
10 example I wanted to make to illustrate this parity
11 question.

12 Q Perhaps you might go further --

13 MR. JACQUES: Excuse me, how would
14 that involve extra cost on the job you mentioned --
15 extra cost owing to this constant thought of parity?

16 THE WITNESS: I will come to the
17 question of extra cost in general in a moment, but as
18 far as this specific example is concerned, of course,
19 it would also involve extra cost because they could
20 have a ship that has to shift in the Port of Toronto
21 ^{one} from/berth to another and you have to call Port Weller
22 and have a man sent up from there and return him after-
23 wards. Naturally, it is going to cost you more money
24 than a local man.

25 MR. BRISSET: Does that not also
26 apply, say, in the Port of Chicago where pilots of
27 District No. 3 are rotated and you might have to be
28 sent from Duluth?

29 A Yes, it does. The situation is
30



1 different though, because there is no permanent body
2 of harbour pilots in Chicago. There was at one time,
3 but it is not comparable to the Toronto situation and
4 the harbour pilots in Chicago in effect are a pool of
5 what you might call semi-permanent pilots who are there
6 on turn for a given period of time.

7 Q But they are not, as you say,
8 permanent in the sense that they have to do work else-
9 where within the district, like in the Soo River or
10 in Duluth in turn?

11 A No, exactly; they are not permanently
12 stationed for exclusive duty in Chicago.

13 Q Now, Mr. Colley, I would like to
14 refer you to page 89 of the brief, which is a letter
15 addressed by Mr. Booth to Captain Matheson. I would
16 like in particular to refer you to the comments of Mr.
17 Booth on proposal no. 2 of the Shipping Federation where
18 he says:

19 "Adoption of your proposal no.
20 2 would mean a complete reversal of the basis
21 of the Canadian/United States arrangements
22 for a joint pilotage service. The possibility
23 of dividing the Great Lakes Basin into
24 Canadian and United States spheres of effort
25 respectively was thoroughly discussed
26 before the present system was put into
27 effect and was discarded as being impractical.
28 It is assumed that arrangements might be
29 made to detail a number of pilots, both
30



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Colley, Dr Ex
(Brisset)

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1 United States and Canadian, for service
2 exclusively in the Welland Canal, but it
3 is difficult to see what advantage would
4 accrue from this as long as pilots have to
5 proceed into Lake Erie."

6 I take it therefore from this ex-
7 tract that you had already proposed to the Canadian
8 Government something somewhat akin to what is contained
9 in your recommendation no. 2?

10 A Yes.



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Q Particularly with respect to the
Welland Canal?

A Yes, that is right.

Q I would like to have your comments
on the remark of Mr. Booth to the effect that this
would prove impractical for instance that the Welland
Canal be restricted to Canadian pilots.

A Well, certainly we don't agree that
this is impractical at all unless, of course, Mr.
Booth is thinking that it is impractical in a political
sense; but from the operational sense it is quite the
opposite. The existing system is the most impractical
system that one could devise and I don't think there
should be any great criticism where there are no re-
flections on anyone involved in this because we are
dealing with a completely new situation that only
started when the Seaway opened in 1959 and the Pilotage
Act was enforced later on.

Consequently, the regulations per-
taining to pilotage were actually drawn up before
there was any practical experience. Now that we have
the practical experience and we see some shortcomings
and we see some disadvantages I think this is the time
that that should be reviewed and in the light of our
actual experience now that we should endeavour to
correct where obvious solutions appear because, in my
opinion, if we don't do it now, if we don't do it
rather quickly, if we let the present system continue
for five or ten years more then we will find we are



1 really in a rut and it is going to be very much more
2 difficult to get out of it.

3 But, on the question of impracticability
4 I would like to say this: Starting with District No.
5 1; we have the American pilots and we have the Canadian
6 pilots. The American pilots have their own dispatching
7 office and their own accounting system on their side.
8 The Canadian have a similar one on the Cornwall side.

9 We have had discussions only recently
10 with the pilots concerned and I think it is safe to
11 say this: That it is fairly obvious that economies
12 could be effected if it were not necessary to have two
13 separate and distinct dispatching and accounting systems
14 for a matter of -- what do we have -- forty pilots.

15 The administrative costs of the dis-
16 patching office and accounting on the Canadian side is
17 approximately \$30,000 and it is about the same on the
18 American side. It is not -- I don't want to over-
19 simplify this -- it is not that you can just wipe out
20 these expenses or halve the expenses by amalgamating
21 them but as long as you have the American on the one
22 side and the Canadians on the other there are problems
23 in the accounting insofar as they each have to make
24 returns to different authorities in respect to income
25 tax or welfare pension or a national insurance or
26 whatever it is.

27 You cannot combine these completely
28 but certainly if that district were 100 percent Canadian
29 or 100 percent U.S. then obvious effective administrative
30



1 cost savings would be attainable. There can be little
2 or no doubt about that.

3 Another problem that we see in re-
4 spect to District No. 1 is that the Canadian and
5 American pilots face a different problem of trans-
6 portation and communications. Canadian pilots travel-
7 ling between Snell and Kingston, they do on the Canadian
8 side, have at their disposal rather good transportation
9 facilities in the form of train and bus and so on.
10 They can get back and forth rather easily at not too
11 much expense.

12 On the American side of the river
13 it is not that way, and transportation facilities are
14 exceedingly poor. The net result is that the Americans
15 face rather substantially higher personal travelling
16 expenses than do the Canadians.

17 Now, just looking at it purely from
18 the owners' or operators' point of view it does seem
19 rather costly to have to inject in the name of parity
20 or equitable participation, to split up a district of
21 forty pilots and to have two nationalities and thereby
22 add to the cost and increased inefficiency. Rather,
23 we feel that the over-all point of view should be
24 taken that if there is approximate equitability through-
25 out all the Lakes between Canadians and Americans then
26 this should achieve the purpose and one should not get
27 down to the fine mathematical point: "Are we exactly
28 50 percent on the roster Canadian today, and 50 percent
29 Americans tomorrow."
30



1 Rather surely the over-all object-
2 ive is one of serving trade and commerce in Canada as
3 well as in the United States and the efficiency of the
4 ocean transportation system and servicing the ocean
5 transportation system with efficient pilotage. Surely
6 this is the objective, not one of pleasing national
7 pride on either side of the border to be able to do a
8 little flag-waving or say "Yes, we are doing fine. We
9 have sixteen U.S. pilots."

10 I think this gets out of proportion.
11 If one looks at the problem in relation to the volume
12 of trade or to the population of the United States
13 surely it cannot be that important at any given time
14 that five pilots are employed on one side of the river
15 and five to offset the five Canadian pilots on the
16 other side of the river when it is going to cost us
17 considerably more money.

18 If I can go on to the problem of
19 impracticality; in District No. 2, of course, we run
20 into the same situation of duplicate services, dupli-
21 cate dispatching and so on, but the problem becomes a
22 little more acute insofar as there are two different
23 systems and again a greater contrast than there are in
24 District No. 1. We have the civil service system on
25 the Canadian side and the American free-enterprise
26 system on the American side.

27 I think as we have mentioned some-
28 where in our brief it produces two different philo-
29 sophies. The American pilot under his system is
30



1 interested in doing as much work as he can so he will
2 earn more money. The Canadian pilot is interested in
3 doing as little work as he can because his salary is
4 fixed; so that one cannot expect to have two different
5 pilotage systems operating side by side in the same
6 area on the same rules without running into conflicts
7 and without somehow demoralizing one or the other group
8 of pilots.

9
10 Surely it is much more logical to
11 try to break this down and put the Canadians where
12 they should logically be and in this case we say the
13 Welland Canal. It is all Canadian and it will certainly
14 facilitate their work, I think, in every way. It
15 would give the Canadian pilots in that district I
16 think more tolerable working conditions insofar as
17 they do not have to go so far afield.

18 We come to the next problem in
19 relation to District No. 2 of trying to compare two
20 different systems. I think the best illustration I
21 can give of that would be the experience we had a year
22 ago when proposals were made -- . They were first ad-
23 vanced by the administration in Washington for an in-
24 crease in the pilotage fees in the area.

25 Before the hearing we did some in-
26 vestigating, Captain Matheson and myself, travelled
27 to the area and we met and talked with some of the
28 American pilots to get an idea of what their problems
29 were and suffice it to say that we were concerned.
30 We felt they had a point, particularly in the long hours



1 and needles time away from home that they were spending.

2 We felt that there was justification
3 on the part of these American pilots to obtain a great-
4 er revenue, greater income than they were getting.

5 Now, here we come to the problem that when we sit down
6 for the practical solution of this problem, obviously
7 the same tariff applies on both sides, whether it is
8 Canadian or U.S. and if we increase the tariff, for
9 example, by \$100 so that the American pilots would
10 achieve what everyone considered was desirable, we
11 would automatically increase the revenues on the
12 Canadian side where it was not necessary and where in
13 fact the Government had built up a surplus and so on.

14 I don't know if these figures were
15 applicable at the time but they must be representative
16 in a way. You find in that district you had thirty
17 American pilots and forty-two Canadian, and obviously
18 every additional \$100 that was collected is going to
19 be collected in a greater proportion for the Canadian
20 side than the American. It is not needed on the
21 Canadian side in any event, but it is to be taken be-
22 cause there is only one standard tariff, and this is
23 the only way that you can correct or compensate the
24 pilot from the American side.

25 We actually suggested at one time,
26 recognizing this situation, that perhaps the Department
27 of Transport could come to some arrangement whereby
28 the excess revenues collected on their side could be
29 turned back to compensate on the other side so instead
30



1 of requiring a \$100 increase we may only need a \$50
2 increase, but this was too complicated. This could
3 not be done.

4 I think this is a very good example
5 of how you cannot have this type of system running in
6 a parallel, side by side in the same district. How can
7 it be done? It doesn't make sense. It simply adds to
8 the expenses, the frustration and I think eventually
9 would affect the moral of the pilots concerned.

10 When we come to District No. 3 this
11 is essentially a U.S. District and in fact that was
12 in line with our original recommendation. We thought
13 that that territory might best be served by American
14 pilots because they deal mainly with American waters.

15 The one exception was in the port
16 of Fort William/Port Arthur, there should be permanent
17 harbour pilots in much the same manner as we have in
18 Toronto and Hamilton operating there under the authority
19 perhaps of the Local Harbour Master, it being confined
20 to that area and for that purpose, otherwise let the
21 Americans handle District No. 3.

22 We have already filed -- we have
23 three Canadian pilots. They are not operating the way
24 we would like to see them operating because again on
25 this parity question and on the same principle I des-
26 cribed for District No. 1. It is being insisted by the
27 American Administration that these three Canadian pilots
28 must be there to take a tour and must be available
29 throughout the District at any time and so the
30



1 effectiveness of these Canadian pilots as port pilots
2 in substance is immediately lost and certainly diminish-
3 ed throughout. It is not an efficient system.

4 One might even go further than that
5 and say why should there be a separate district for
6 only eighteen pilots; and that is something that in due
7 course should be considered; but rather than deviate
8 from the main theme I think I would just prefer to
9 concentrate on the original feature of having American
10 and Canadian pilots participate in the same districts.

11 Q If I may go back to one of your re-
12 marks, Mr. Colley. You said that you construed the
13 word "impractical" in Mr. Booth's letter of April 19th
14 to mean impractical from the political point of view
15 rather than the operational.

16 A No, I didn't say I took it that way.
17 I said perhaps it was meant that way and then my criti-
18 cism would fall flat. If he meant it in an operational
19 sense that is the way I am taking it then I would not
20 be inclined to agree.

21 Q However, would you agree that per-
22 haps Mr. Booth meant "impractical" in the political
23 sense?

24 A Possibly he did.

25 Q Now, do you realize that in 1958
26 and 1959 when the future pilotage legislation was be-
27 ing discussed between the two Governments, some con-
28 cession had to be made by the Canadian Government that
29 was more or less operating the whole service through
30



1 the Lakes at the time and that this problem we are
2 faced with today might be the consequence of the con-
3 cessions that may have been made at the time for poli-
4 tical considerations?

5 A I quite agree. I think that is
6 quite possible or even likely, but I would think that
7 today -- after all, we are now four years after this
8 arrangement was made and in the light of actual ex-
9 perience it would not be amiss for both Governments to
10 review the situation in the light of actual operating
11 experience and in the light of actual cost factors and
12 efficiency, and if this theoretical document -- this
13 political document does not hold good water on the op-
14 erational side then surely now is the time to admit it
15 and say "What steps should we take to effectively cor-
16 rect it?"

17 Q In other words, you feel that the
18 political considerations that were taken into account
19 in 1958, 1959 and 1960 to bring the American Government
20 to accept at least in part the Canadian point of view
21 no longer should be applied today?

22 A Exactly.

23 Q In the light of four years of ex-
24 perience in operation of pilotage on the Great Lakes?

25 A Correct.



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Q Now, before I go into the actual division into spheres of control, naming the various areas, I would like to pass on to the reasons for your recommendation which you state and I quote from page 69:

"So as to avoid conflicts in the interpretations of the regulations as have occurred in areas served by both American and Canadian pilots ..."

I would like you to develop this particular point and perhaps give us illustrations of conflicts in the interpretation of the regulations both as adopted on the Canadian side as well as adopted on the American side that have actually occurred.

A Yes; well, one example that comes to mind is again in connection with harbour pilotage. Originally, and by "originally" I mean when the Great Lakes pilotage regulations both U.S. and Canadian came into effect, it was customary for a vessel that did not have a B certificate and which was proceeding, for example, from Cape Vincent to Toronto to have on board this open water pilot who would in due course dock the ship. It didn't take too long before the open water pilots objected to performing this duty. They didn't want to dock the ship, and they would inform the master that there were harbour pilots available and they should be used.

We even had occasion to write to Ottawa on one instance reporting that an open water



1 pilot had left the ship prior to docking, had left it
2 by boat on entering Toronto Harbour, and that in fact
3 our vessel had technically contravened the regulations
4 by being without a registered pilot at that time.

5 In any event, the situation was
6 changed by modification in the tariff which occurred I
7 believe in October, 1962, which required that when an
8 open water pilot docked a ship he was entitled, in ad-
9 dition to his other fee, to the sum of \$25.

10 This changed the attitude of the
11 open water pilots, and then he wanted to dock the ship
12 in Toronto. By this time there was a thoroughly ef-
13 ficient pilotage organization available at Toronto,
14 and in many cases the ship's master preferred that he
15 use the harbour pilot rather than the open water pilot
16 who may not have been in Toronto for days or weeks or
17 at all, and knowing that it would cost no more than he
18 would have to pay either the open water pilot or the
19 harbour pilot for docking, the captain under those cir-
20 cumstances would often say "Well, I would then prefer
21 to have the specialized man who lives here and works
22 here."

23 Well, immediately we had complaints
24 from the pilots, from the open water pilots in this
25 regard; not only complaints but actually they billed
26 us on the basis of their open water fee, plus \$25 for
27 docking. We complained about such charges firstly to
28 -- no, we complained about these charges to the dis-
29 patching or accounting office which was located at
30



1 Messina, and were advised that this was being done on
2 the authority of the Pilotage Administrator in
3 Washington.

4 The matter was taken up in turn with
5 both Washington and with Ottawa. Washington confirmed
6 that this interpretation was correct, and that whether
7 the open water pilot was used or not, and if we used
8 somebody else to dock the ship, we still would have to
9 pay \$25 to this open water pilot.

10 Ottawa, on the other hand, stated
11 that they did not agree, and that the Canadian regu-
12 lations were clear that unless the open water pilot
13 was used, unless he was requested, that we were not
14 liable for these charges, so we didn't pay them. But,
15 strangely enough, that did not solve the problem be-
16 cause we have the situation today that on the American
17 side they say the American interpretation of their
18 laws must apply in this case because the American
19 pilot was dispatched from the United States. We say,
20 no, we think it is Canadian waters where this occurred,
21 so it should be Canadian law that applies.

22 There seems to be still a difference
23 of opinion on this matter, and I think we have a
24 specific case here.

25 CAPTAIN SLOCOMBE: You are still
26 not paying them, Mr. Colley.

27 THE WITNESS: No, we are not paying
28 them. We are building up. We have here the correspond-
29 ence of one actual such case concerning the M.S. TOTEM
30



1 STAR that occurred in June, 1963.

2 Q Will you kindly file as Exhibit
3 1279 the exchange of correspondence which you have
4 had with the Department of Transport extending from
5 June 21, 1963 to March 4, 1964, involving the case of
6 the TOTEM STAR pilotage bill for pilotage in Toronto in
7 June of 1963? The correspondence I see includes cor-
8 respondence with the St. Lawrence Seaway Pilots
9 Association equally.

10 A Yes.

11
12 ---EXHIBIT NO. 1279: Exchange of correspondence
13 with the Department of
14 Transport from June 21,
1963 to March 4, 1964.

15 Q Now, could you give us other il-
16 lustrations showing that you have had in the past con-
17 trary interpretations of regulations, or if not con-
18 trary interpretations of regulations, at least dif-
19 ferences in the regulations applying whether they were
20 American or Canadian?

21 A Yes. Well, I will just describe the
22 type of case that I am thinking of here. We again have
23 to revert to the question of harbour pilotage as
24 practised in Duluth and Fort William, but under the
25 undesignated water tariff. I think, as we explained
26 this morning, this amounts to the basic flat charge of
27 \$50, plus a \$25 charge for docking and undocking, so it
28 is \$75 for every shift.

29 In view of the fact that this charge
30 is partly made up of the \$50 under undesignated water



1 movements, it did occur to us that if, for example, a
2 vessel shifted twice in the same day, and even to make
3 the example a little more explicit, it shifted twice
4 within the same day with the same pilot, then we con-
5 tended that in effect this pilot had been engaged for
6 less than 24 hours so that the appropriate billing for
7 these two shifts should be \$50, plus \$25 in each case
8 for the docking and undocking, or a total billing of
9 \$100.

10
11 Rather, however, we find that in
12 each case we are billed the full \$75, \$50 plus \$25.

13 THE SECRETARY: Each time?

14 THE WITNESS: Each time, yes. Now,
15 we have had this case both in Duluth in which case we
16 applied to the Administrator in Washington for a ruling,
17 and the Administrator ruled that the pilots were quite
18 correct in their billing, and his interpretation was
19 that each movement was a separate service so that each
20 of these shifts in effect came under those few words
21 of the regulations, "Twenty-four hour period or part
22 thereof." In other words, that was considered as one
23 movement.

24 Q One service rather?

25 A One service, and the vessel did not
26 have the option of saying to the pilot, "Well, we want
27 to keep you for the full 24-hour period and use you
28 during that period."

29 We did go back on this ruling to
30 the extent that we suggested surely it would be proper



1 if we held the pilot on board, and even if we were in
2 doubt if the ship was going to make the second shift
3 within 24 hours, that the operator would be quite
4 within his rights to retain the pilot on board and
5 thereby come within this 24-hour limit and pay the
6 \$50.

7
8 Again the ruling came back from
9 Washington that, no, this is not the case because when
10 you had completed the shift, that service was finished,
11 and therefore if you retained the pilot on board you
12 would be subject to detention and the detention would
13 build up at the rate of \$5 per hour, and then, all
14 right, even if you had only \$50 for the two shifts,
15 the detention would make up the difference and you
16 would still end up with a higher charge.

17 Now, on the question of detention,
18 we came into a little bit of difference of opinion
19 insofar as the American regulations and the Canadian
20 regulations are not worded in quite the same way.

21 In the American regulations, the
22 detention clause actually is part of a clause headed
23 "Cancellation of services, numbered 401420, and it is
24 a general clause. What I mean by that is that this
25 is not directly linked either to designated water
26 tariff or undesignated water tariff, and therefore it
27 could be interpreted that this might apply whether the
28 services were in designated or undesignated waters.

29 However, we find, we felt, or I
30 felt that in the Canadian regulations it was a little



1 more explicit because under a separate heading of
2 "Detention" there is a paragraph that is numbered,
3 and there are sub-sections underneath this, and it
4 starts off with the words "where, during the transit
5 of the District", and this gave us the impression that
6 the detention clause was intended to cover only desig-
7 nated water pilotage.

8 I must say that Ottawa in this con-
9 nection has finally given us a ruling that corresponds
10 to that in Washington. They say there is some doubt
11 about it, so we have lost out in the interpretation.

12 However, to answer your original
13 question, this is one of the items that is questionable,
14 and the wording in the Canadian regulations is quite
15 different from the wording in the American regulations,
16 and yet they both spring or they are both supposed to
17 spring from the same document. So if the two Govern-
18 ments can't interpret it in the same way, you can see
19 what difficulty a poor shipowner has.

20 Q While you are on the subject, for
21 clarification I would like perhaps for you to give an
22 illustration that would show how the interpretation
23 given would arrive at perhaps absurd results, and for
24 the purpose of this illustration I would take a ship
25 proceeding through Lake Superior with a pilot on
26 board, say, because the ship does not have on board
27 an officer with a B certificate. Let us assume that
28 this vessel, as I think often happens, drops anchor
29 in White Fish Bay in order to prepare to load grain;
30



1 that is, to prepare the fittings and so forth, and is
2 at anchor for ten hours.

3 What would be the result insofar as
4 the earnings of the pilot are concerned as compared to
5 the earnings of a pilot on board a ship that goes
6 right through without stopping?

7 A Well, what is done under this inter-
8 pretation is that the vessel is charged at the rate of
9 \$50 per day or part thereof, but for the period of
10 time the vessel is at anchor they put it under detent-
11 ion charge.

12 Q So if in the illustration I have
13 given you the ship remains at anchor for ten hours, the
14 pilot would get \$100; that is, \$50 detention and \$50
15 for the 24-hour period, while the pilot on board the
16 ship going right through would only get \$50?

17 A That is correct.

18 Q In other words, the pilot would
19 get money while the ship is at anchor, and where, from
20 all the evidence, there is nothing for him to do?

21 A Yes, or to put it another way, that
22 the designated water tariff seems to imply that a pilot
23 is to be paid at the rate of \$50 for a 24-hour period
24 for what we say is doing nothing, but if during the
25 course of that 24-hours the ship is stopped or delayed,
26 then this pilot, on top of being paid \$50 for doing
27 nothing, is paid a detention because the ship is doing
28 nothing while he is doing nothing.

29 CAPTAIN SLOCOMBE: Is this detention
30



1 in the undesignated waters, Mr. Colley?

2 THE WITNESS: Yes.

3 CAPTAIN SLOCOMBE: You say Ottawa
4 has agreed to this?

5 THE WITNESS: Yes. We will submit
6 one of your cases here.

7 MR. BRISSET: I would like to file
8 as Exhibit 1280 an exchange of correspondence between
9 Colley Motor Ships Limited and the Department of
10 Transport in February and March, 1964, on the topic of
11 the detention charge about which the witness has just
12 testified.

13
14 ---EXHIBIT NO. 1280: Exchange of correspondence
15 between Colley Motor Ships
16 Limited and Department of
Transport Board (February
and March, 1964)

17 MR. BRISSET: I would like to file
18 as Exhibit 1281 an exchange of correspondence between
19 Colley Motor Ships and the Administrator of Great Lakes
20 Pilotage and the Lake Superior Pilots Association in
21 connection with the case of the WASABORG in connection
22 with a problem of detention in the Port of Duluth.
23 This is dated from August 6th, 1963, to February 6th,
24 1964.

25
26 ---EXHIBIT NO. 1281: Correspondence concerning
27 the WASABORG

28 THE WITNESS: I have another ex-
29 ample here. Unfortunately I do not have the invoice,
30 but I can just recite the events in principle, and I



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TORONTO, ONTARIO

Colley, Dr Ex
(Brisset)

17506

1 can give references for this to be verified or checked
2 on if necessary, where a vessel, not having a B certi-
3 ficate, was proceeding from Hamilton up the Lakes;
4 therefore after discharging cargo in Hamilton she re-
5 quired an open water pilot for the trip from Hamilton
6 to Port Weller, which is less than three hours. Two
7 hours and something.

8 Now, the pilot boarded this vessel
9 late in the evening, about ten o'clock, and for some
10 reason that I do not know, but let's assume that it was
11 either engine trouble or maybe crew trouble or some-
12 thing, the ship did not sail until the following morn-
13 ing, about eleven o'clock, and then proceeded over to
14 Port Weller.

20 -

25 -



1 So the total time that the pilot was on board -- I am
2 just assuming here now -- was something in the neighbour-
3 hood of thirteen or fourteen hours from the time he got
4 on the ship to the time he got off.

5 I would have expected that we would
6 have had a bill for \$50, being open water work for
7 24 hours or part thereof, but no, in actual fact we
8 received a bill for \$100, because again we were
9 charged for ten hours' detention, the man having
10 come on board and not sailed right away and therefore
11 he was detained on board the ship. Therefore we
12 got two bills, one for \$50 and another for \$50 for
13 the three-hour passage, making a total of \$100
14 charged for something like thirteen or fourteen hours
15 on board the vessel.

16 I think we were justified in ques-
17 tioning whether this was ever the intent of the
18 designated water regulations or that the detention
19 charge in fact and indeed was intended to apply
20 against such services. I do not think so really,
21 but ---

22 Q. What is the name of the ship in-
23 volved and the date of the occurrence?

24 A. The ship in question was the A. J.
25 MERCURY, and this took place on May 27th and May 28th.

26 Q. 1964?

27 A. Yes.

28 CAPTAIN SLOCOMBE: Where is the
29 bill issued from?

30 THE WITNESS: The bill is issued



1 from Massena, New York, from the American side. The
2 American regulations, the clause in question which is
3 repeated here by the Pilotage accountant who sends
4 out the bill reads:

5 "When a pilot reports for service and the
6 rendition of his services is delayed for
7 the convenience of the vessel for more
8 than one hour or when the pilot has com-
9 pleted his services and he is delayed for
10 the convenience of the vessel for more
11 than one hour in departing from the
12 vessel then a further charge of \$5 for
13 each hour after the first hour shall be
14 charged."

15 The question here, or the key to it, is what service
16 did the pilot come on board to render? This is an
17 awkward thing to interpret when it comes to open
18 water pilotage, because he has just come on board
19 to be available presumably to answer any questions
20 that the captain might raise. Therefore surely it
21 is just as logical that the captain might wish to
22 question him while the ship is still in port and
23 would have that right or declare that right and
24 therefore be compelled to pay under the undesignated
25 water tariff. But by implying that the pilot, when
26 he came on board and the ship did not sail until ten
27 hours later, was not rendering any service, that
28 presumably means that he would not have answered
29 any of the captain's questions for the ten-hour period
30 that he was on board, but by not making himself



1 available for this open water service he makes
2 himself eligible for detention and therefore can
3 double his fee.

4 I am sorry if I have caused confusion
5 here, but I am just trying to illustrate that there
6 does not seem to be anything very logical in the
7 undesignated water tariff, plus the fact that this
8 tariff is used for purposes of compiling port tariffs.

9 THE CHAIRMAN: Would you like to
10 adjourn now?

11 MR. BRISSET: Yes, my lord.

12 THE CHAIRMAN: We will adjourn for
13 a few minutes.

14 ---Short recess.

15 ---Upon resuming.

16 MR. BRISSET:

17 Q. Mr. Colley, I would like to refer
18 to the second paragraph on page 72 of your brief in
19 which the following remark is made:

20 "It was obvious that the time had come
21 for the establishment of a third and separate
22 category of pilotage tariff covering port
23 pilotage in all aspects."

24 I believe that your illustrations will support this,
25 but what I would like to know is whether anything was
26 done by the Shipping Federation in its dealings or
27 negotiations with the two governments to bring this
28 result about?
29
30



1 A. Yes. We have had meetings, in fact
2 we have had some joint meetings with the Department
3 of Transport representatives and Captain Meschter on
4 this subject. I must say for a time it looked as
5 though our suggestion for a separate port tariff would
6 be implemented because both Ottawa and Washington
7 agreed in principle to this suggestion.

8 But then when we got down to the
9 practical details there were two stumbling blocks.
10 One is the view on the American side that whatever
11 rate is established for port pilotage must be a
12 standard rate to apply at all ports, not only in the
13 United States but also in Canada. This does not
14 seem to be a very proper solution to the problem
15 because quite obviously different ports have different
16 conditions; there are different time factors involved;
17 there are different degrees of difficulty or hazards.
18 It surely would not be equitable to have one flat
19 rate which was applied at all ports in the States.
20 But until the American point of view on this can be
21 altered it does not seem to us that we will actually
22 achieve it.

23 But there certainly continues to be
24 considerable incentive for establishing this tariff
25 because, as I think I have described, we are running
26 into so many peculiar situations that even when we get
27 a ruling on them the ruling must be practically with
28 tongue in cheek because they are too far off and they
29 cannot be consistent. A ruling in one case appears
30 ludicrous in another.



1 The other problem on the port pilotage
2 is that again on the American side there is this feeling
3 that there should not be a permanent group of port
4 pilots. I think the fear on their part is that if
5 you establish the principle of a permanent organiza-
6 tion of port pilots at any port again this must be-
7 come the pattern and all ports in the Great Lakes
8 must immediately the day after have permanent staffs
9 of port pilots.

10 Q. Quite irrespective of the conditions
11 or the need for such port pilotage?

12 A. Yes, and this is a big difficulty.
13 It looks to us -- and maybe our view here is a very
14 simple one and perhaps not sympathetic to the other
15 problems, political or otherwise, that the Adminis-
16 tration has to face -- but their view seems to be
17 unnecessarily rigid. They are just looking straight
18 ahead with the blinkers on and saying: "No, we must
19 run this thing by the rule book, not by any common-
20 sense."

21 I cannot really see why there would
22 be any great difficulty in acknowledging that port
23 pilotage is necessary and desirable in the Port of
24 Duluth, for example, and put in a separate section.
25 Maybe they will have to print another page in the
26 book, or maybe a few more pages as we add ports to
27 it. But surely if that is the reasonable way to
28 do it, if it means a little extra work, why can it
29 not be done?

30 But that is the impasse that we



1 seem to have reached at the moment. I must say
2 that the Department of Transport, I believe, is quite
3 in accord with our views. We both have the same
4 objectives but we are stumped at the moment because
5 there can be no agreement with the other side.

6 THE CHAIRMAN: Is it not because the
7 two sides are working on two different sets of prin-
8 ciples altogether? Here in Canada it is just a ser-
9 vice to shipping while in the United States the
10 philosophy is that in all American waters there
11 should be always an American pilot on board whether
12 he be a member of the crew or he may be a straight
13 pilot -- in all American waters, coastal, lakes and
14 everywhere. Is that not the philosophy and therefore
15 is that not why at the beginning they asked that
16 there should be a pilot aboard all the time in all
17 the lakes?

18 THE WITNESS: Well, not entirely,
19 my lord, because they have acknowledged the principle
20 that where there is a B certificate on board ---

21 THE CHAIRMAN: But that was a compro-
22 mise, was it not?

23 THE WITNESS: A compromise, yes,
24 but then, you see, what we are suggesting in effect
25 in respect to port pilotage is the establishment of
26 not exactly a compulsion on vessels to use it, but
27 it would make for greater use of pilots. Our
28 suggestion would make for greater use of pilots --
29 perhaps on a voluntary basis, but still on a broader
30 basis and on a more stable and regulated basis than



1 at the present time.

2 The principle that is being expressed,
3 as I see it -- and I may have the wrong slant on it --
4 is simply that if there is to be official port pilot-
5 age anywhere it must be everywhere, and I cannot
6 associate that principle with any logic or any other
7 general philosophy of American pilotage, except that
8 from perhaps the administrative or (if I might use the
9 word) bureaucratic point of view it makes life much
10 simpler to have one simple rule in the book instead
11 of considering each case individually and then
12 coming to a proper and realistic conclusion.

13 MR. BRISSET:

14 Q. Mr. Colley, might I suggest to
15 you that therefore one of the reasons for your recom-
16 mendation that there be separate fields of control
17 over pilotage in the Great Lakes -- one of the
18 reasons, I say, for this recommendation would be to
19 at least give freedom of movement to the Canadian
20 Government in so far as the establishment of pilotage
21 in Canadian Great Lakes ports is concerned?

22 A. Exactly. It would be in those
23 cases remove any possibility of confliction of
24 interpretation or ---

25 Q. Conflict of philosophy or policy?

26 A. Exactly, yes.

27 Q. Now it seems to me from the evidence
28 which you have given so far, Mr. Colley, that your main
29 difficulties on the Great Lakes are in your relations
30 with the Pilotage authorities concerned on either side



1 of the border -- difficulties that arise from their
2 particular policy or philosophy rather than diffi-
3 culties with the pilots themselves; am I right?

4 A. Yes; I think this is very true.
5 The relationship which the Shipping Federation has
6 had with the pilots in all districts I think has been
7 extremely good. We have endeavoured particularly
8 during the past year to have as direct contact with
9 the pilots as we can because we felt that we were
10 going through a period of evolution and it was im-
11 portant that we know all their problems -- and you
12 cannot get that by correspondence or by waiting
13 until something blows up. We have found in dis-
14 cussing problems with the pilots that they are also
15 concerned mainly about the same things that we are
16 concerned about.

17

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1 They are concerned about the effi-
2 ciency or inefficiency of the dispatching. They
3 have similar objectives in that regard to what we
4 have and they can see, as we do, if the dispatching
5 can be improved it could have quite an effect not only
6 on the cost of pilotage but also on the wastage of
7 a pilot's time.

8 By wastage of time I mean that in
9 so many cases pilots are detained somewhere. They
10 are not doing pilotage services. They are not at
11 their home either. They are prevented from making
12 the best use of any spare time that is available.
13 You might look at statistics and say that theoretically
14 a pilot is only working or performing his services
15 one day out of three or something like that, but in
16 actual fact he does not have the two days off to get
17 home.

18 There is no good reason in many of
19 the cases why he is not permitted to get this time
20 off. It is simply poor dispatching because there
21 was no central control that anticipates the movement
22 of ships, based on which the pilots could be allo-
23 cated or could be told "All right, you have got
24 two clear days. Go on home and the phone will not
25 ring." It is just a matter of coordinating its
26 entire effort throughout the Great Lakes and it is
27 a point we would like to achieve and the pilots would
28 like with all the resultant benefits on each side
29 so I think that it is quite right to say that most
30 of these frustrations, both on the part of the



1 shipping interests and the pilots spring from the
2 complications of a dual government system of pilotage.

3 Of course, we would certainly not
4 be realistic to think that this can be solved or
5 disappear overnight but I think if we were to acknow-
6 ledge that it is there and try to get the perspective
7 on this thing -- as I mentioned earlier that basically
8 the objective is to service ships and keep the
9 foreign trade going rather than to build up some
10 complicated government system just purely for the
11 sake of the system. That is not the reason for
12 pilotage in my opinion and I think a little more
13 consideration should be given to the practical
14 aspects.

15 Q. In other words, if I may make this
16 remark, your problems on the lakes are not quite like
17 your problems downriver?

18 A. No, they are quite different. More---

19 Q. Now, Mr. Colley, I want to pass on to
20 the actual division of the Great Lakes Basin into the
21 various spheres of control, both Canadian and American,
22 and have you explain why the division appearing on
23 page 60 of the brief was made and let us taken the
24 Canadian spheres of operation first; the first area
25 being from Eisenhower Lock to Cape Vincent in
26 District No. 1.

27 Would you comment on this; why this
28 was selected and what advantages you might see from
29 it?

30 A. I must say that ---



1 MR. LALONDE: Excuse me. Before the
2 witness proceeds, I would like to make a point here
3 that the fact I do not object does not mean I accept
4 the witness' view as to what the pilots felt and how
5 they felt as being again proper evidence in this matter.

6 THE WITNESS (continuing answer): As
7 far as District No. 1 is concerned, we would have to
8 admit that our recommendation would normally have been
9 that the entire district from Snell Lock to Cape
10 Vincent be one hundred per cent Canadian. I think
11 that is a rather obvious conclusion.

12 Q. When you say "Snell Lock" perhaps it
13 would be better to say from St. Regis, to use the
14 words of the statute or the regulations themselves?

15 A. Correct. That would be perhaps the
16 obvious recommendation on our part but we do feel also
17 from the realistic point of view that we would have
18 to acknowledge that Snell and Eisenhower Lock, in
19 fact from St. Regis, is entirely American waters
20 and American property and I think we would be in-
21 dulging in very wishful thinking if we ever hoped
22 to persuade the American side to give that up and
23 permit it to be a Canadian district.

24 If it were at all possible that, of
25 course, would be the logical thing but we have put
26 down here what we thought is a little more realistic
27 in the light of actual conditions.

28 Q. Now, you will appreciate, of course,
29 that if this division were to be put into effect there
30 might be a surplus of American pilots since their



1 services would be limited to the small area extending
2 from St. Regis to Eisenhower Lock. Would you consider
3 that there would be a possibility of transferring this
4 surplus pilotage material to other locations?

5 A. Oh, very definitely. Very definitely.

6 Q. Now, the next area on the Canadian side
7 of spheres of control is "all ports on Lake Ontario".
8 Lake Ontario, of course, would include some American
9 ports but are you in a position to say whether the
10 traffic to American ports on Lake Ontario is at all
11 important?

12 A. I would not like to comment in a
13 specific or statistical way but in relative proportion,
14 no, not that important. I would think that, bearing
15 in mind the practical features and the proportion of
16 work in the area, which would be entirely in Canadian
17 waters or entirely in Canadian ports, would so out-
18 weigh the American angle that it should not really
19 arouse great objections.

20 Q. The next area is, of course, "the
21 whole of the Welland Canal". I believe that you have
22 already stated some of the advantages that could result
23 for the Canadian pilots in having their activities
24 restricted to the Welland Canal instead of having
25 to proceed down to Port Huron or Sarnia at the other
26 end of the present district and at times possibly
27 even further.

28 Are there any other comments which
29 you would like to offer on this particular point?

30 A. No, I don't think so. I think it is



1 again rather a self-evident situation. It would
2 surely again increase the specialized knowledge of
3 that group of pilots by restricting themselves to that
4 area only.

5 Q. What about the dispatching and the
6 movement of pilots from one place to another on the
7 basis that the canal would be divided as it is now
8 at Lock 7?

9 Can you foresee greater facilities
10 in moving about by pilots who would serve that district?

11 A. Oh, very much more so, yes. Naturally
12 if a group of pilots is restricted to a small area
13 the flexibility of movement is also that much greater.
14 There is less risk of losing a pilot, drifting off
15 into some other district and off into the unknown when
16 he gets beyond Port Huron.

17 Q. Would that also produce an advantage
18 from the point of view of the expenses that might be
19 incurred by pilots for travelling expenses which
20 travelling expenses are eventually borne by the ship?

21 A. Yes, it should make the necessary
22 travelling to the embarkation and from the embarkation
23 point simpler than it is at the present time.

24 Q. This area is the area made up of
25 the twin ports of Port Arthur and Fort William in Lake
26 Superior and of these you have already spoken. I just
27 wanted to ask you whether, speaking from an opera-
28 tional point of view you can serve the present system
29 satisfactorily.

30 A. I would have to say this, from my



1 own personal experience, that I am not aware of any
2 particular problems that have arisen this season in
3 Fort William.

4 There have been problems in past
5 years. There have been problems in port pilotage in
6 Fort William in past years. I will not go back
7 directly to the beginning but last season in Fort
8 William there were problems from time to time obtain-
9 ing harbour pilots in that port and I have heard of
10 instances where a vessel required shifting from
11 one berth to another and there were no harbour pilots
12 in Fort William and it was necessary to call Duluth
13 and have a man flown up.

14 I understand that this sort of thing
15 has now all been corrected and the pilots are available
16 quickly and when they are needed but they are still
17 more or less on a rotation basis and you do not have
18 the group of specialist pilots who do nothing but
19 harbour movements and this, we think, is a desirable
20 objective.

21 Q. I want to pass on to the American
22 spheres of control which you recommend. I will not
23 deal with the first one as you have already dealt
24 with it, that is from St. Regis to Eisenhower
25 Lock, District No. 1, except to mention that at present
26 as you are aware, the pilots board and disembark in
27 Snell Lock rather than St. Regis; and complaints have
28 been made before this Commission that there was
29 something irregular in this practice.

30 If the pilots were to embark or



1 disembark at St. Regis would you foresee any problems?

2 A. Again this is a technical question.

3 I am informed that there is no great problem involved
4 in this, that it could be done on a comparatively
5 inexpensive basis by providing a boat service and
6 the necessary taxi connections. It could be done.
7 Naturally it is desirable it continue the way it has
8 been done but it would not be an overpowering
9 stumbling block if it became necessary to make a
10 change on that technical dividing point.

11 Q. The next area within the American
12 sphere of control which you recommend is an area
13 comprising all ports in Lake Erie. Can you tell us
14 what the principal ports are in Lake Erie at which
15 ocean ships call normally?

16 A. I would say the principal ones are
17 on the American side, they are Buffalo -- Cleveland,
18 of course, Cleveland -- Buffalo to a lesser degree.
19 Ashtabula, Toledo. There are other small ones but
20 I think these are the principal ones.

21 Q. In other words you are dealing here
22 with American ports, in fact?

23 A. Yes.

24 Q. The next area within the American
25 sphere of control, as you recommend it, is the area
26 from Southeast Shoal to Sarnia, in District No. 2.
27 In this regard will you tell us why you have put
28 this area within the American sphere of operations
29 or control?

30 A. Two reasons. One, it is a waterway,



1 a channel, that is principally serving American ports.
2 There are ports also on the Canadian side I will
3 readily admit, but it is principally from the point
4 of ocean ships that service all ports on the American
5 side.

6 Q. Which would be what ports?

7 A. Detroit. Well, Detroit is the
8 main one on that waterway and others are of lesser
9 importance.

10 COMMISSIONER SMITH: Toledo?

11 THE WITNESS: Toledo. I will have
12 to look at the chart. Are we right on the -- or is
13 Toledo Lake Erie?

14 COMMISSIONER SMITH: Around the tip.

15 THE WITNESS: Well, in any event it
16 is on the same connecting waterway. Port Huron to a
17 lesser extent.

18 THE CHAIRMAN: There is extensive
19 American traffic through this waterway?

20 THE WITNESS: Yes.

21 THE CHAIRMAN: Bound for Lake
22 Michigan?

23 THE WITNESS: That is correct.

24 THE CHAIRMAN: As well as Canadian?

25 THE WITNESS: Well, now, when you say
26 Canadian traffic, my lord ---

27 THE CHAIRMAN: I mean coming from
28 Canadian ports.

29 THE WITNESS: Yes, I should think
30 some cargo which ocean ships are bringing. I was



1 referring more to the services that ocean ships are
2 involved in, that is bringing cargoes to these
3 American ports within this Detroit River area.

4 MR. BRISSET:

5 Q. Now, is it not a fact and I believe
6 this has been testified to before this Commission, that
7 the connecting channels in this area are maintained
8 by the U. S. Corps of Engineers?

9 A. That is my impression. I am not an
10 expert. I presume there is testimony on this.

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1 Q. Now, in connection with this particular
2 area there is the problem that could arise on landing
3 or disembarking an American pilot who, instead now
4 of boarding the ship in the Welland Canal would have
5 to board the ship somewhere else. Captain Metheson
6 has already, I believe, indicated that it is entirely
7 possible to disembark a pilot. Have you any comment
8 yourself on this score?

9 A. Well, to avoid being misleading in
10 any way, I would say that this question of changing
11 pilots at Southeast Shoal is a most contentious one,
12 and there are many different opinions on whether it
13 is feasible or not, and the opinions range to the
14 extremes in each case.

15 In other words, you will find, and I
16 am talking about technical men, seafaring men, who
17 insist it is absolutely impossible, and you will find
18 others who say, yes, it can be done, so I cannot judge
19 that myself, but I could only say that I am aware
20 that on the technical side there is a great range
21 of opinion. Certainly not conclusive one way or
22 the other, and if this had to come to pass, certainly
23 additional studies would have to be made, but this
24 is not absolutely essential. I mean this is not
25 necessary to our proposal or our scheme.

26 It would still be quite possible to
27 continue as we have done with the pilots boarding at
28 Port Colborne as a matter of convenience, so it is
29 just a question of sizing up the practicability of
30 one alternative against another.



1 Undoubtedly even those who claim that
2 an embarkation point at Southeast Shoal is quite
3 impractical, would admit that given a sufficiently
4 large pilot boat it could be done. So naturally
5 you would come down to an economic equation: is it
6 less costly to continue to put the pilot on board
7 at Port Colborne or is it possible to build a vessel
8 of the size that everyone would agree is quite
9 adequate?

10 Q. If I might suggest, put the pilot
11 aboard vessel at some intermediate point?

12 A. That is possible.

13 Q. It would be more satisfactory than
14 Southeast Shoal. In other words, this is all an
15 operational problem which you feel, I believe, is
16 capable of solution one way or the other?

17 A. Yes.

18 Q. After appropriate studies?

19 A. Yes. I must say, too, and I am
20 sure this can be brought out in questioning of the
21 pilots, that this divergence of opinion also exists
22 amongst the pilots. That is some would be inclined
23 to think it feasible and others just the opposite.

24 Q. The other area in the American sphere
25 of control that you recommend is the area comprising
26 all ports on Lake Huron, including ports in Georgian
27 Bay. In this regard I would like to point out to
28 you that ports on Georgian Bay are Canadian ports.
29 Is there any reason to include those within the
30 American sphere of operations?



1 A. Well, again the traffic into Georgian
2 Bay, as I understand it, is on a relatively small
3 scale, and it would be serviced most logically from
4 the Lake Superior pilots. It does not seem that
5 even though there is a Canadian interest there that
6 the relative Canadian interest is of sufficient
7 proportions to change the basic concept of having
8 that District No. 3 confined to the American pilots.

9 Q. In other words, you do not feel that
10 political considerations should outweigh the practical
11 considerations in this case?

12 A. No. That is what we are trying to
13 get away from.

14 Q. The next area, Mr. Colley, is the
15 area comprising all the ports on Lake Michigan. I
16 understand these are all American ports?

17 A. That is correct.

18 Q. The last area is from Detour to
19 Whitefish Bay, District No. 3, including all ports on
20 Lake Superior. I take it that this area has always
21 been served by the Lake Superior Pilots Association?

22 A. That is correct, yes.

23 Q. And until Canadian pilots were
24 appointed, this was served by American pilots; is that
25 correct?

26 A. Yes. I would say before the estab-
27 lishment of the registered pilots under the Pilotage
28 Administration, there were two unofficial groups of
29 pilots. I mean they existed and gave their services
30 before there was any Pilotage Act, operating out



1 of both Fort William and Duluth.

2 Now, I cannot tell you specifically
3 how far afield these men went, but I would guess at
4 least that upon occasion the Canadians at that time
5 did operate through St. Mary's River as well as in
6 port.

7 Q. You have already dealt with the twin
8 ports of Port Arthur and Fort William, and I won't
9 go back to those. I would like to pass on now to
10 recommendation No. 3 which states:

11 "That steps be taken immediately to
12 reduce the high cost of administration
13 by centralizing dispatching and account-
14 ing services as indicated in recommen-
15 dation No. 2."

16 Perhaps you could develop this to some extent in
17 order to support this recommendation. You have
18 already dealt with the high costs which two different
19 organizations would involve, and perhaps you could go
20 on from there.

21 A. Yes. Well, apart from avoiding or
22 reducing the duplications of dispatching and adminis-
23 tration, I think the other main point that holds out
24 possibilities of savings and efficiency is the dis-
25 patching. There is not any real central dispatching
26 control, and if one visualizes a map of the entire
27 Great Lakes, although it covers a lot of miles, it is
28 a rather captive space in so far as whenever an
29 ocean ships come in the Seaway that position is
30 known to somebody. It can be plotted with more



1 accuracy than any ship that is crossing the ocean.

2 It should be possible theoretically
3 to have a central control staff in which the position,
4 the projected position of every ocean ship is known,
5 and that information is available. It is there, but
6 it is not presently being coordinated. We do have
7 a signal reporting system that operates to a certain
8 extent. It operates throughout the Seaway and
9 up to the Welland Canal. It is a type of report,
10 for example, in Montreal we can call a given telephone
11 number and give the name of a ship, and they will
12 tell us at what time she arrived at Port Weller or
13 Port Colborne or what part of the Seaway she is in.

14 A bulletin is published, and we can
15 get the same information twice a day on these bulle-
16 tins, but there is no coordination with that type of
17 system and the other reporting services that are
18 available, and there is one also in Sault Ste. Marie,
19 and I believe there is one also in the Detroit River.
20 There is no coordination of all this information into
21 a central staff.

22 The result of this is that if the
23 pilots -- we will take them at the extreme other end
24 of the line, up in District No. 3, and they are
25 trying to anticipate what the flow of traffic is
26 going to be either tomorrow, two days hence or a
27 week hence. They really have nothing to go on,
28 they don't know. Actually, for their position at
29 the extreme end, it should be possible to predict
30 the flow of traffic much better than in any other part



1 of the lake because they are at the tail end.

2 Now, our point is that it seems a
3 great pity when there is information available that
4 it is not correlated; it is not brought together and
5 intelligently dispersed so that the pilots can know
6 what the traffic flow is going to be tomorrow, two
7 days hence, or whatever it is.

8 I don't know if we cite an example
9 here but this is the sort of thing that has happened:
10 a group of pilots will be sitting around Duluth waiting
11 for movement for several days and nothing happens.
12 Finally, just in the hope of getting a job, they
13 dispatch one or two men to Chicago or maybe to Port
14 Huron. They no sooner get there than they find the
15 traffic has already started up that way and they have
16 to hop a train and get back to Duluth again. This
17 is only a waste of money in so far as it is additional
18 travelling expense for the pilots themselves, but it
19 means that the pilots are wasting their time, and if
20 they know they are not going to be needed, and they
21 could have clear time off and go home, cut off the
22 telephone and do their gardening -- this is certainly
23 to be preferred. This is what we would prefer.

24 I don't think it is desirable or
25 that it helps the cause of shipping or the cause of
26 pilotage to have a man standing by and waiting for a
27 service that may not have to be performed for twenty-
28 four hours or maybe a few days hence. So we would
29 like to see, and I know that all the pilots that I have
30 talked to would also very much like to see some



1 central organization that can not only receive and
2 properly assimilate this information and then dis-
3 perse it as necessary, but to actually reach out
4 and get this information.

5 What I mean by this is that at present
6 there is a certain Telex or teletype network amongst
7 various dispatching offices, and a great volume of
8 information comes in on these machines, but it would
9 be my observation that nothing is done with it; that
10 most of the paper ends up in the wastepaper basket.
11 No one is intelligently putting the pieces together
12 to try and work out traffic flows.

13 This would require a little more
14 initiative than has been displayed so far, and again
15 the problem is this: on the ^American side the dis-
16 patching is the responsibility of pilots. The pilots'
17 pools have to engage their own dispatchers, and they
18 are their direct responsibility. On the Canadian
19 side the dispatching office is a function of the
20 Department of Transport, and those men are appointed
21 by the Department.

22 Again there does not seem to be the
23 relationship between these two different groups of
24 dispatchers -- they are of a different category
25 entirely -- but there does not seem to be the proper
26 relationship and cooperation between them that there
27 should be.

28 I can only suggest that from a rather
29 higher level than what we have available to us on
30 the other side, initiative must be taken to appoint



1 some such staff, a system under which this information
2 can be disseminated.

3 Q. You are also recommending that the
4 accounting offices be centralized, and I would ask
5 you where you would recommend that the accounting
6 office for the Canadian sphere of operation be located
7 and what area it would cover?

8 A. I don't know. I can't give you a
9 precise answer on that. I will have to answer in
10 general terms. As you know, there have been problems
11 on the accounting side already that I have described
12 previously where we have Americans and Canadians
13 in the same district. Now, on the basis of the
14 recommendations that we have here now of segregating
15 it, it should be possible to considerably simplify
16 this system.

17 We have talked about the possibility,
18 for example, that all of the Canadian system could be
19 funnelled into one office. That is regardless of
20 where the pilots might be, and not just restrict it
21 to one accounting office for one Canadian district.

22 Q. In other words, for instance, if I
23 might suggest, Cornwall could be the central accounting
24 office to cover the whole of the area within the
25 Canadian sphere of operation?

26 A. It could be, but I wouldn't want to
27 say that that is a recommendation on our part.

28 Q. What you want to convey is that there
29 should be one central office, leaving it to the
30 Authority after study to decide where it should be



1 located, Cornwall, Port Weller, or anywhere else where
2 it is found to be most convenient?

3 A. That is it exactly.

4 Q. Now, as regards the American sphere
5 of operations, would you think that a similar central
6 office could do the job for the whole of the American
7 sphere?

8 A. Let me just say in theory, yes, I
9 think so. Again they have particular problems on
10 the American side because they have differences in
11 accounting procedures state by state that make some
12 of these things difficult. I can only say that it is
13 a subject that we feel is very much worth while inves-
14 tigating to the end.

15 I know that there already is a desire
16 on the part of the various pilotage groups to do this,
17 so that it is something that will come. But I cannot
18 give you a precise recommendation because I think
19 it depends on too many unknown factors. Sufficient
20 to say we think it is worth consideration and I
21 believe the pilots do also.

22 Q. I now want to pass on to Recommendation
23 No. 4 which says:

24 "That more authority be exercised at
25 the local level to deal with operational
26 and administrative problems that constan-
27 ly recur and have to be solved on the
28 spot."

29 Can you possibly give us some examples of problems
30 which you feel should be solved on the spot which,



1 under the present practice, have to be referred, for
2 instance, to Washington or Ottawa for a solution?

3 A. Well, the type of problem that I
4 was describing this morning I don't think would apply
5 particularly to the principle of what we are talking
6 about here.

7 Q. What about the waivers, for instance?
8 What would you have to say about waivers in case of,
9 say, non-availability of a pilot?

10 A. Yes. Well, of course, that should
11 be done by the local dispatcher, and if we can go on
12 the testimony we heard this morning, that is now being
13 done.

14 Q. In the case of Commonwealth lake
15 vessels?

16 A. No, but also for ocean vessels.

17 Q. Am I right then in understanding that
18 this is done also on the American side?

19 A. No, we are talking only of the Canadian
20 organization here now, and that is what I was referring
21 to.

22 Q. Have you had in so far as your own
23 ships are concerned problems in connection with waivers?

24 A. No.

25 Q. And consequent delays to vessels if
26 procedure was too cumbersome or too time-consuming?

27 A. No, I can't recall ever being in-
28 volved in the problem. As far as I am concerned
29 none of our vessels have ever been in the position
30 where either they had to ask for a waiver, or if



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1 they wanted a waiver it would have been in restricted
2 waters and it was the captain's choice not to request
3 it.

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1 Q. I think you mentioned in your earlier
2 evidence, Mr. Colley, an instance that occurred in
3 Duluth having to do with assigning pilots for trans-
4 lake work and depleting the port of Duluth?

5 A. Yes.

6 Q. Of pilots available to perform port
7 pilotage?

8 A. Yes.

9 Q. Was that handled from Washington
10 or directly on the spot by whoever was in charge of
11 the dispatching in Duluth?

12 A. No, that was handled from Washington.
13 I mean, the final decision had to come from Washington
14 -- the procedure. Well, we have this . . . I will
15 have to dig this out. We have the proposed procedure
16 that has been suggested by the United States Pilotage
17 Administration for applying for a waiver, the cir-
18 cumstances under which a ship may request a waiver,
19 and then the procedure to be adopted.

20 Now this is a proposal and therefore
21 not necessarily in effect, but it is interesting to
22 note that part of the proposal is that there should
23 be a waiting period of, I think it is, six hours
24 before you even apply for a waiver. Even though,
25 as I say, this is only a proposal, as far as I am
26 aware and from what I have heard from other operators
27 it does take a long time to get a waiver through,
28 particularly if it happens to be at an odd hour of
29 the night or perhaps over the weekend. So it is
30 a cumbersome thing to go through the prescribed formula of



1 applying to the Coast Guard and getting permission
2 from Washington.

3 Q. I am coming back to my question then.
4 Would you see any advantage in having the decision
5 with regard to waivers taken at the local level rather
6 than being referred to Washington or Ottawa, if it
7 is on the Canadian side?

8 A. Oh, very much so. Undoubtedly with
9 the local control this would assist this particular
10 situation.

11 But I would not want to be misleading
12 that the purpose of this recommendation is not to get
13 waivers because the first recommendation is that we
14 want more waivers because we want to get away from
15 open water pilotage. I think what we are endeavour-
16 ing to do here is to get more local control and local
17 control from the authority that has the greatest
18 interest from (what shall I say?) not from the
19 ship's side but from the authority dealing with the
20 channel or waterway that the vessel is passing
21 through -- specifically whether it be the Seaway
22 Authority, or, in the case of harbour pilots, the
23 local harbour commission; the people who would be
24 most inclined to be affected by efficient pilotage
25 and proper ship handling either from the point of
26 view of operations or from the point of view of trade
27 in a given port.

28 MR. BRISSET: My lord, I have not too
29 much more, but it is already five o'clock. Perhaps
30 since there will be cross-examination tomorrow ---



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1 THE CHAIRMAN: There will be cross-
2 examination anyway, so we will adjourn. We have to
3 have a meeting anyway. We will now adjourn until
4 tomorrow morning at the usual time, ten o'clock.

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6 ---Whereupon the hearing adjourned until Thursday,
7 the 18th day of June, 1964, at 10.00 a.m.

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